

Workforce Innovation and Opportunity Act (WIOA) Youth Programs

Section 1.0: YESS Overview

The purpose of the WIOA Youth program is to assist young people, ages 14-24, who face significant barriers to success in the labor market by providing resources and support to overcome those barriers and successfully transition to self-sufficient adulthood.

The WIOA outlines a broad youth vision that supports an integrated service delivery system and provides a framework through which states and local areas can leverage other federal, state, local, and philanthropic resources to support in-school youth (ISY) and out-of-school youth (OSY). The WIOA affirms the U.S. Department of Labor's (USDOL's) commitment to provide high-quality services for all youth and young adults, beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training in in-demand industries and occupations, such as pre-apprenticeships or internships, and culminating with a good job along a career pathway, enrollment in post-secondary education, or a Registered Apprenticeship. All of the Department's youth-serving programs continue to promote evidence-based strategies to assist in achieving high levels of performance, accountability, and quality in preparing young people for the workforce.

The WIOA funding enables the delivery of a comprehensive array of youth services that prepare youth for post-secondary educational and employment opportunities, attainment of educational and/or skills training credentials, and obtainment of employment with career opportunities. This is accomplished by assessing the participant's skills, interests, needs, and personal goals, creating customized service plans in collaboration with the participant, and expanding the participant's connection to and understanding of the local economy, educational opportunities, and available community services. This process is organized and coordinated around the 14 WIOA youth program elements which **must be made available** to every participant.



Make available means that **all** 14 program elements are available in **all** areas served. While this does not mean that ResCare staff must deliver all 14 elements, but they must identify partnerships to ensure availability by referral. The TDS will determine what specific services a youth will receive based upon the youth's informal interview, objective assessment, and individual service strategy (ISS).

As a reminder, youth must be enrolled to participate in the youth program. The Code of Federal Regulations (CFR) Section 681.320 defines enrollment requirements as the collection of information to support an eligibility determination, the provision of an objective assessment, development of an ISS, and participation in any one of the 14 program elements.

Section 1.1: AMERICAN JOB CENTER PROCEDURE FOR REFERRALS

Process to refer visitors and callers of the American Job Center to the WIOA programs. Referral to the WIOA YESS Program can be from several different sources.

1. **Referral Sources:**

2. **Walk-In Inquiries:** Individuals who walk into the AJC resource room and inquire about training are provided the YESS flyer which includes contact information and encouraged to complete a WIOA Pre-Application in the Neworks system. The resource staff will contact Talent Development Specialist. If a Talent Development Specialist is available, they will speak with the individual. They will provide information on what is required for them to apply to the program and invite them to the next scheduled orientation.

- If Talent Development Specialist (TDS) are unavailable, resource staff will give a business card to the potential applicant, and direct them to call or email the TDS.

3. **Referrals from Neworks:**

Neworks referrals are delivered by email directly to TDS. TDS will call and email referral and invite them to complete a WIOA Pre-Application through Neworks and invite them to the next scheduled orientation.

- a. Pre-Applications through Neworks are printed off by the TDS. Age is checked and if 24 years old or younger, the name and contact information is provided to a Youth TDS. If 25 years old or older, the name and contact information is provided to an Adult TDS.
- b. Partnerships

Strong partnerships help to leverage resources and increase opportunities for youth. They can enhance the ability of workforce investment areas to access information and data, improve services, and increase efficiencies with regard to recruitment processes, referrals, and case management. Creating strong partnerships is critical to providing the most effective, targeted, and appropriate services for youth to maintain progress along a successful career pathway.

The intent of the WIOA is not necessarily to use the WIOA Youth funds for every youth element; rather, the WIOA Youth program is intended to act as an intermediary, partnering with various publicly and privately funded organizations to ensure that all 14 youth program elements are available to all youth participants (**this includes OST for ISY**). Local grant recipients can rely on partner programs to provide some of the elements if such services are available for all eligible youth in the local area. If an activity is not funded with the WIOA Title I funds, the local area must ensure that those activities are closely connected and coordinated with the WIOA system. Ongoing relationships should be established with providers of non-WIOA funded activities either through coordinated case management strategies, memorandums of understanding, or an alternate, similar method.

4. Outreach and Recruitment

Outreach and recruitment are vital components of a successful WIOA Youth program. The objective is to connect youth most in need to the array of services that the WIOA has to offer.

Recruitment factors to consider include:

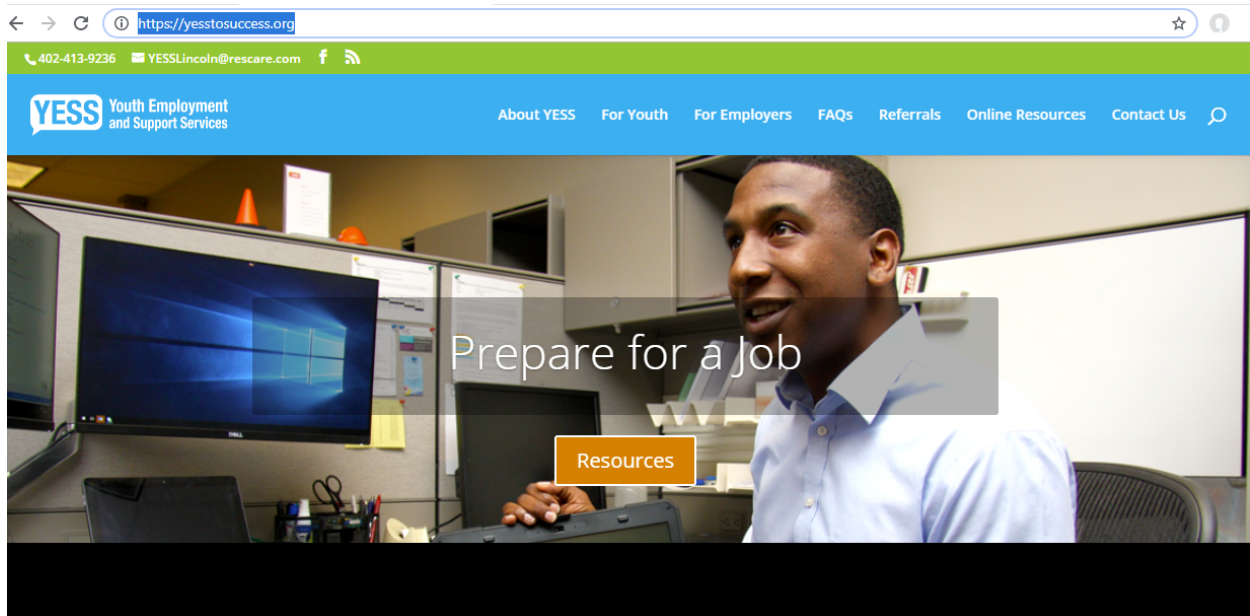
- Where do you find youth in your local community? Where do they “hang out?”
- How do youth workers, counselors, and others identify potential youth participants?
- Where and to whom do referrals go?
- What marketing materials do you use to recruit youth? Are they current?
- Partners who may assist with recruitment efforts include: Faith-based organizations
- Schools
- Social service agencies
- Non-profit organizations
- Juvenile institutions
- Homeless shelters
- Food pantries
- Public housing authorities
- Education agencies
- Job Corps representatives
- Mentoring organizations
- Other community-based organizations



Outreach and recruitment ideas include:

- Use radio, TV, and print media to promote the value and positive outcomes of the WIOA services.
- Involve previous youth participants who can positively speak about programs as peer advocates and recruiters.
- Highlight incentives for youth program achievements.
- Hold youth-specific orientation events that promote the benefits of participation, such as
 - a) Summer and year-round employment opportunities.
 - b) Free tutoring.
 - c) Supportive services.
 - d) Fun activities and other unique opportunities.
- Involve local community leaders.
- Emphasize appeal, value, and uniqueness of the WIOA services.
- Use social media tools, such as Facebook and Twitter, to reach out to youth.

Best Practice: YESS Webpage located at <https://yesstosuccess.org/>



5. Orientation

The WIOA orientation should provide a complete overview of the WIOA program, opportunities provided, overview of training programs, eligibility requirements, and application methods. Following orientation, interested youth are to be scheduled for an intake appointment to determine if they are eligible and suitable for service.

Section 1-2: WIOA Registration & Application

Eligibility for services relates to local determinations about the individual's need for and ability to benefit from services. Registration is the process of collecting information to support a determination of eligibility. This information may be collected through methods that include electronic data transfer, personal interview, or an individual's application. A WIOA participant is an individual determined to be eligible to participate and who receives one or more

WIOA-funded service(s) in the Greater Lincoln American Job Center.

The WIOA Application must reflect the date the form is completed online in NWorks. The WIOA Application Date is the date when the WIOA Application is created. When entering it on NWorks, it cannot be a date in the future. The WIOA Participation Date is the date following a determination of eligibility (when necessary) to participate in the program when the individual begins receiving a service funded by the program. It counts as the official point when the participant begins counting in performance measures. Under this policy, if over 90 days elapse between the WIOA Application Date and the WIOA Participation Date, then the application will be closed. The signature and date of the talent development specialist on the registration form means that the talent development specialist has reviewed the registration information, made a determination of eligibility, and indicated that the individual is eligible or ineligible. ResCare staff verifying and documenting participant eligibility shall identify acceptable eligibility documentation. All eligibility documentation must be retained in the participant's e-file in NWorks, and ECM.

- Registration

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The WIOA Registration is used to collect information required by federal regulations and to make a determination of eligibility and suitability for the WIOA Youth program. The registration and eligibility determination process must be completed for any youth who is to receive any WIOA services.

Following verification of school status, age, and employment authorization, as identified in the WIOA Section 188(a)(5), eligibility determination includes all of the following, which may vary by school status:

- Determine income eligibility, where applicable.
- Ensure selective service registration, if applicable.
- Determine barriers.
- Identify basic skill deficiencies.

The WIOA Youth Program Eligibility Page

The USDOL has developed a WIOA Youth eligibility webpage, which includes a fact sheet, an introductory webcast, and interactive tutorials on the eligibility requirements for the youth program.

Section 1.3 Determination of Out-of-School (OSY) and In-School Youth (ISY)

Once the determination of out-of-school or in-school is made, the classification stays with the participant during the period of participation, and expenditures must be charged as such. For example, if an individual enrolls as a high school student, they are an ISY during their entire period of participation, even after graduating high school. All expenditures for ISY must be charged to the ISY cost. Charging expenditures to the OSY cost category for ISY enrolled participants, and vice versa, will result in disallowed costs.

Out-of-School Expenditure Requirement

The WIOA shifts the primary program focus of the Title I Youth program to support the educational and career success of OSY. The Act states that a minimum of 75 percent of the WIOA Youth funding is required to be spent on OSY, ***though there is a waiver allowing up to 50% of youth funding may be spent on ISY through PY19.***

Section 1.4: Age Eligibility

The following age ranges apply to youth participants:

- ISY: 14 years and 0 days through 21 years and 364 days
- OSY: 16 years and 0 days through 24 years and 364 days

Section 1.5: Income Eligibility

Under the WIOA, not all youth participants must be low income individuals. Only covered individuals must be low income.

The term “covered individual” includes:

- An ISY.
- An OSY who is low income -AND-

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- a) Is a recipient of a secondary school diploma or its recognized equivalent – AND-
 - i. Basic skills deficient, -OR-
 - ii. An English language learner, -OR-
- b) Requires additional assistance to enter or complete an educational program or to secure or hold employment. A covered individual is income-eligible for youth services if he/she is any of the following:
 - Receiving, or is a member of a family that receives, or was determined eligible to receive income-based public support within the prior six months.
 - A member of a family that lives at 100 percent or less of the poverty threshold or 70 percent or less of the Lower Living Standard Income Level (LLSIL).

Income guidelines for determining income-based program eligibility for WIOA Title IB youth and adult programs, Published 5/1/2020.

Size of Family	Nebraska non-metropolitan areas	Omaha–Council Bluffs MSA ³	Lincoln MSA ⁴	Grand Island MSA ⁵	Sioux City MSA ⁶
1	\$12,760	\$12,760	\$12,760	\$12,760	\$12,760
2	\$17,240	\$17,240	\$17,240	\$17,240	\$17,240
3	\$21,720	\$22,451	\$22,451	\$22,451	\$22,451
4	\$26,553	\$27,716	\$27,716	\$27,716	\$27,716
5	\$31,342	\$32,706	\$32,706	\$32,706	\$32,706
6	\$36,652	\$38,257	\$38,257	\$38,257	\$38,257
7 or more	add \$5,310 for each additional person	add \$5,551 for each additional person	add \$5,551 for each additional person	add \$5,551 for each additional person	add \$5,551 for each additional person

- Receiving, or is a member of a family that receives, or was determined eligible to receive, food stamps within the prior six months.
- Homeless.
- Receiving, or is eligible to receive a free or reduced price lunch.
- A foster child.
- An individual with a disability whose own income meets the income requirement of clause 2, but who is a member of a family whose income does not meet this requirement.
- Living in a high-poverty area

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- Five Percent Income Exception

Up to 5 percent of covered individuals served by the WIOA Youth program may be individuals who do not meet the income criteria for eligible youth, as long as all other eligibility criteria are met. Because not all OSY are required to be low-income, the 5 percent low-income exception under the WIOA is calculated based on the 5 percent of youth enrolled in a given program year who would ordinarily be required to meet the low-income criteria. For example, a local area enrolled 200 youth and 100 of those youth were OSY who were not required to meet the low-income criteria, 50 were OSY who were required to meet the low-income criteria, and 50 were ISY. In this example, the 50 OSY required to be low income and the 50 ISY are the only youth factored into the 5 percent low-income exception calculation. Therefore, in this example, 5 of the 100 youth who ordinarily would be required to be low-income do not have to meet the low-income criteria based on the low-income exception.

- Free or Reduced Lunch

If the youth qualifies as receiving free or reduced lunch, documentation from the school must be obtained. When a school does not use individual eligibility criteria to determine who is eligible for free or reduced price lunch, whole school receipt of free or reduced price lunch cannot be used to determine the WIOA low-income status for ISY. In schools where the whole school automatically receives free or reduced price lunch, the WIOA programs must base

low-income status on an individual student's eligibility to receive free or reduced price lunch or on meeting one of the other low-income categories under the WIOA. Local programs can check with their local school districts for determining whether individual students are eligible to receive free or reduced price lunch.

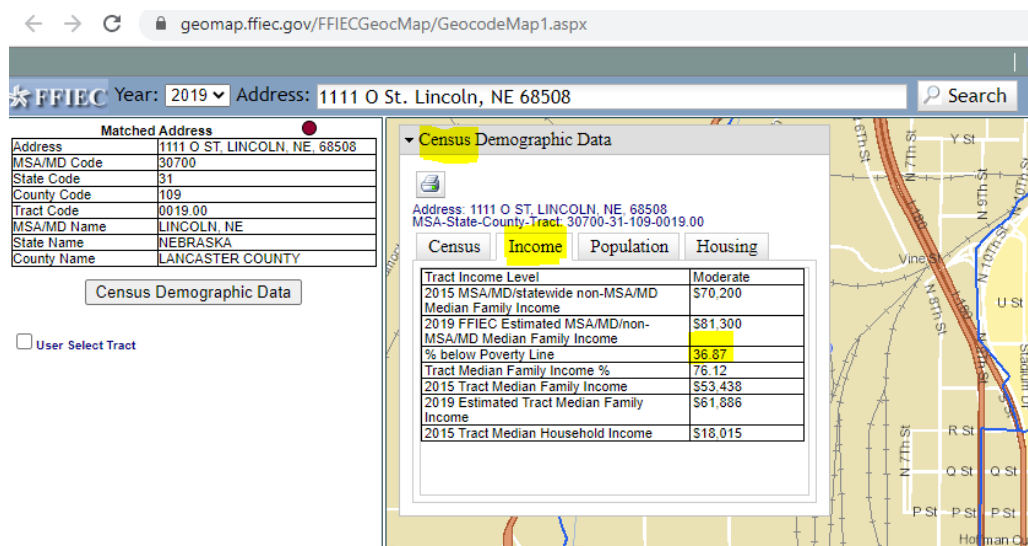
While the free/reduced lunch low-income category primarily applies to ISY, there is one exception where it could apply to an OSY. ***If an OSY is a parent living in the same household as a child who receives or is eligible to receive free or reduced price lunch based on their income level, then such an OSY would meet the low-income criteria based on his/her child's qualification.*** This does not apply to Adult or Dislocated Worker participants.

Free or reduced lunch eligibility certification and verification guidelines, including individual income requirements, may be found on the Nebraska Department of Education website.

- High Poverty Area

In order to maintain consistency across the country, the USDOL has defined a high-poverty area as a Census tract, a set of contiguous Census tracts, Indian Reservation, tribal land, or Native Alaskan Village, or a county that has a poverty rate of at least 25 percent. Please use this link to access the data: <https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx>

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- **Conditions for Considering Only a Youth's Income**

There are circumstances where only the youth's income is considered in determining whether the youth satisfies the WIOA income limits for the program. Twenty (20) CFR Section 681.280 provides that OSY with a disability are not required to be low-income and for ISY with a disability, the youth's own income, rather than his or her family's income, must meet the low-income definition and not exceed the higher of the poverty line or 70 percent of the LLSIL.

Additionally, if an individual is not living in a single residence with other family members, that individual is not a member of a family for the purpose of the WIOA income calculations.

Twenty (20) CFR Section 675.300 defines family as "two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories: (1) A married couple and dependent children; (2) A parent or guardian and dependent children; or (3) A married couple."

An individual who is currently in foster care is considered a family of one.

Section 1.6 Barrier Determination

Barriers differ slightly for OSY and ISY. Youth participants must have at least one of the following barriers:

OSY must be facing one or more of the following barriers:

- A school dropout: Age 18+, or 16+ with parental consent.
- A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter.
- A recipient of a secondary school diploma, or its recognized equivalent, who is a low-income individual and is—
 - a) basic skills deficient, or

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- b) an English language learner.
- An offender.
- A homeless individual aged 16 -24 who meets the criteria defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 USC 14043e- 2(6)), a homeless child or youth who meets the criteria defined in Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 USC 11434a(2)) or a runaway.
- An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under Section 477 of the Social Security Act (42 USC 677), or in an out-of-home placement.
- An individual who is pregnant or parenting.
- A youth who is an individual with a disability.
- A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

Please Note: Recipients of a secondary school diploma, or its recognized equivalent, are not limited to OSY Barrier III found above.

ISY must be facing one or more of the following barriers:

- Basic skills deficient.
- An English language learner.
- An offender.
- A homeless individual aged 14 -21 who meets the criteria defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 USC 14043e- 2(6)), a homeless child or youth who meets the criteria defined in Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 USC 11434a(20)) or a runaway.
- An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under Section 477 of the Social Security Act (42 USC. 677), or in an out-of-home placement.
- Pregnant or parenting.
- A youth who is an individual with a disability.
- An individual who requires additional assistance to complete an educational program or to secure or hold employment.

Please Note: Youth who are homeschooled, in alternative education, or virtual learners are ISY.

Section 1.7: School Status

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School status is based on participant status at the time of enrollment and determination of eligibility. If the youth is between grades within high school and enrolled in the WIOA during the summer months (i.e., between 11th and 12th grade), they are an ISY as long as they are still enrolled in school and will be returning for the next school year. As for youth who have graduated high school, if the youth enrolls in the WIOA in the summer, is **registered** in post-secondary education, and will be attending in the fall, their school status is ISY. If the youth has not yet registered in post-secondary education, and is only planning to attend, their school status is OSY. For example: If a participant has applied and been accepted, but is not yet registered with the post-secondary institution, their school status is OSY.

Rule of thumb: If a K-12 system counts a student on their roll, the student is ISY, even if it is a dropout recovery program.

- Credit-Bearing and Non-Credit-Bearing Postsecondary Classes

If the youth participant is enrolled in any credit-bearing postsecondary education classes, including credit-bearing community college classes and credit-bearing continuing education classes, then they are considered attending postsecondary education, and therefore, an ISY. If a youth is only enrolled in non-credit-bearing postsecondary classes, such as non-credit-bearing remediation courses, they are not considered to be attending postsecondary school and therefore, are an OSY.

- High School Equivalency Programs

Youth in high school equivalency program preparation are OSY. The GED is the only approved high school equivalency test approved by the Nebraska Department of Education.

Exception: Youth attending high school equivalency programs funded by the public K-12 school system who are classified by the school system as still enrolled in-school are an exception, they are considered ISY.

For the purposes of performance reporting, these youth are to be identified on the registration screen in NEworks to ensure inclusion in the credential performance measure. This is accomplished by selecting the 'Participated in Secondary Education (including HS equivalent) at or above 9th Grade Level during Program Participation' indicator.

- School Dropout

The term "school dropout" refers to an individual who has dropped out of high school and not completed their high school diploma or equivalent. The term "school dropout" does not include individuals who have dropped out of postsecondary education. A youth's dropout status must be determined at the time of enrollment. There is no minimum amount of time from the point of separation from school to declare dropout status. A dropout only includes an individual who is currently a secondary school dropout and does not include a youth who previously dropped out of secondary school, but subsequently returned.

- Age of Compulsory Attendance

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Per Nebraska Revised Statute 79-201, a child is of mandatory attendance age if the child (a) will reach six years of age prior to January 1 of the then-current school year and (b) has not reached eighteen years of age.

Exception: A person who has legal or actual charge or control of a child who is at least sixteen years of age but less than eighteen years of age may withdraw such child from school before graduation and be exempt from the mandatory attendance requirements of section 79-201 if an exit interview is conducted and the withdrawal form is signed as required by subsections (2) through (5) of this section for a child enrolled in a public, private, denominational, or parochial school or if a signed notarized release form is filed with the Commissioner of Education as required by subsection (6) of this section for a child enrolled in a school that elects pursuant to section 79-1601 not to meet accreditation or approval requirements.

Section 1.8: Individual who is Pregnant or Parenting

An individual who is parenting can be a mother or father, custodial or non-custodial. As long as the youth is within the WIOA Youth age eligibility, the age when the youth became a parent does not factor into the definition of parenting. A pregnant individual can only be the expectant mother.

Section 1.9: Requires Additional Assistance

The Greater Lincoln Workforce Development Board defines “***requires additional assistance to complete an educational program or to secure and hold employment***” as meeting one or more of the following applications:

- a. Youth who have not completed high school or other educational programs necessary to secure and maintain entry-level employment;
- b. Youth who are deficient in basic skills and/or pre-employment/work maturity skills, including those needing English as a Second Language instruction and remedial training for GED;
- c. Youth who have been identified as a dropout risk, unlikely to graduate due to a lack of credits, and other risk factors cited by school, law enforcement, or community officials such as eligibility to receive free or reduced lunch benefits;
- d. Youth who are defined as “neediest” – youth in foster care (especially those aging out of foster care), youth in the juvenile justice system, children of incarcerated parents, migrant youth, Native American youth, Indian youth, and youth with disabilities including learning disabilities;
- e. Youth residing in a defined Area of Substantial Unemployment and/or in the core of the city of Lincoln;
- f. Youth who have been unable to obtain or secure employment during the last six months.

- As a reminder, per Section 129 (a)(3)(B) of the WIOA, in each local area, not more than 5 percent of ISY may be individuals with a sole barrier of “An individual who requires additional assistance to complete an educational program or to secure or hold employment,” as described in Section 129 (a)(1)(C)(iv)(VII). This percentage

will be exact, and therefore may not be rounded down from any percentage higher than 5.0.

- This limitation applies to ISY enrolled in the WIOA on or after July 1, 2015. Local areas are to define “requires additional assistance” criterion in their local plan. This definition will apply to OSY as well.
- **Please Note:** This limitation is applied on a Program Year basis. Therefore, the limitation applies to all participants enrolled within each individual program year, not at one specific point in time.

Section 1.10: Determining Basic Skills Deficiency

Low educational functioning levels can be a significant barrier to educational and/or employment success, thus all participants must be assessed to determine any basic skills deficiencies. The WIOA aligns the prior definitions of “Deficient in Basic Literacy Skills” and “Basic Skills Deficient” by now defining the singular term “Basic Skills Deficient” as an individual—

(A) who is a youth, that has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test, or

(B) who is a youth ~~or adult~~, that is unable to compute or solve problems, or read, write, or speak

English, at a level necessary to function on the job, in the individual’s family, or in society.

If appropriate, steps to improve educational functioning should be included in the participant’s ISS.

Verification vs. Documentation

Verification means to confirm an eligibility requirement through examination of official documents. Documentation means to maintain on file physical evidence which is obtained through the verification process, including written confirmation by an authorized agency or organization of one or more WIOA eligibility criteria, and which reflects the individual’s status as of the date of registration for such eligibility criteria.

All participant records and supporting documentation must be in compliance with federal, state and GLWDB regulations and policies pertaining to record retention requirements.

ResCare staff must use NEworks and ECM systems to store supporting documentation.

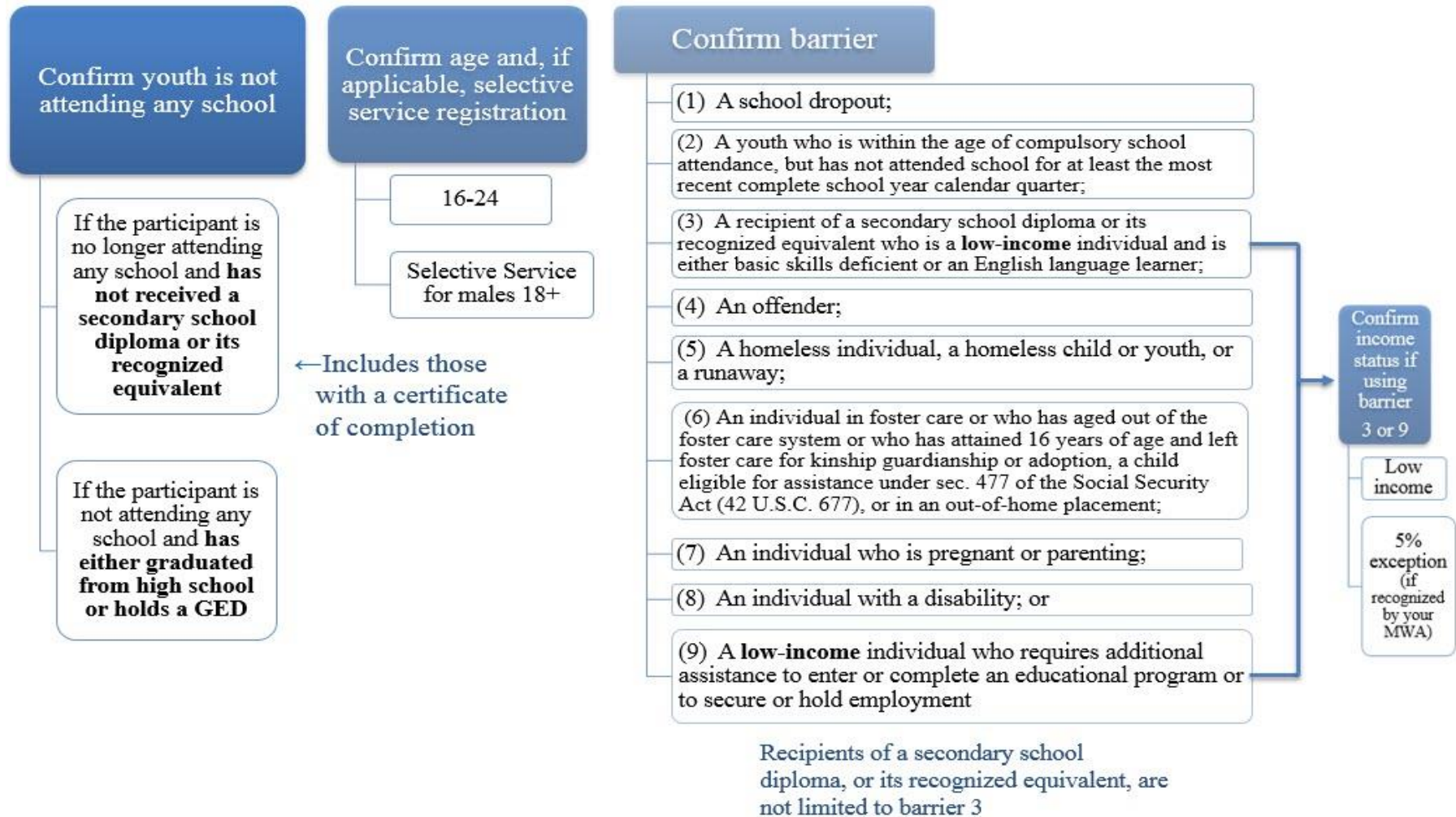
- For local area staff using NEworks, the following records and data are captured and stored exclusively in NEworks and ECM:
 - a) Program applications;
 - b) Eligibility determinations;
 - c) Participant enrollments;
 - d) Exits and follow-ups;

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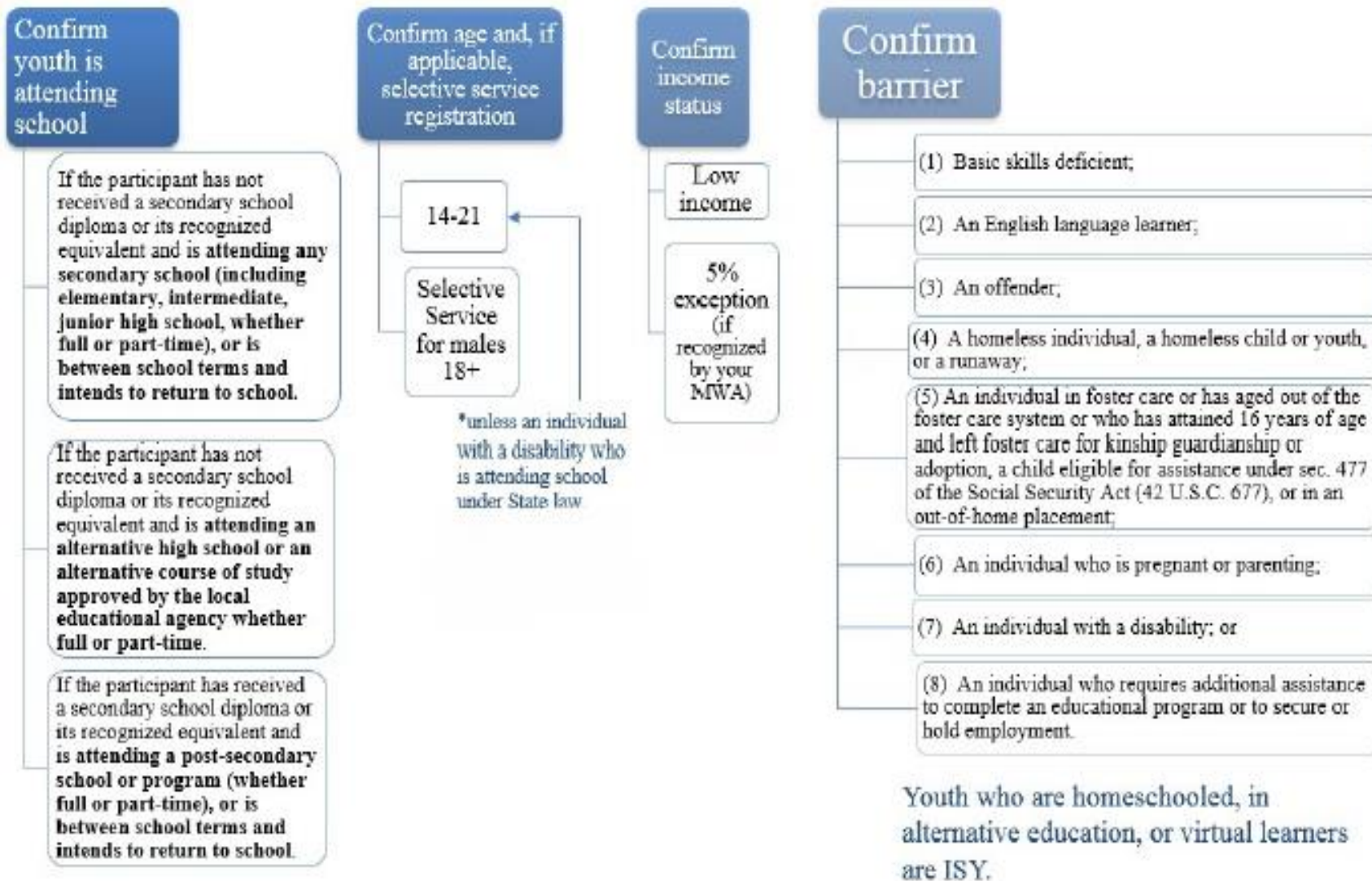
- e) Case notes; and
- f) All other information relevant to program activities.

Electronic case notes add context to elements in the electronic case file that are not clearly evidenced, such as participant enrollment activities and consultation activities regarding training. Case notes must be directly related to and are necessary supplemental information that support employment and training services provided to the participant. If a program activity is planned to last more than one (1) day, the TDS must document actual service delivery in case notes.

WIOA Out-of-School Youth (OSY) Eligibility Chart



WIOA In-School Youth (ISY) Eligibility Chart



Section 1.11: Citizenship Status/Employment Authorization

Participation must be available to U.S. citizens and U.S. nationals, lawfully admitted permanent resident aliens, refugees, asylees, and other foreign nationals authorized by the Attorney General to work in the United States. Applicants must be informed that to be considered eligible for the WIOA program, he/she must attest that he/she is a U.S. citizen or a qualified alien. If the applicant does not agree to attest their status, the file will be closed as never enrolled. If they are a qualified alien, they must provide an alien number and a copy of their documentation that documents the Alien ID number.

Determining eligibility for Nebraska WIOA benefits it is **required** to:

1. Provide approved INS document. The documents must be copied front and back and included in e-file.
2. Each applicant complete U.S. Citizen or Qualified Alien Self Attestation Form to verify, and that he or she is a U.S. citizen or a qualified alien. If the applicant cannot self attest that they are a U.S. citizen or qualified alien, the application must be closed.
3. The copies of the INS document and Citizen Self Attestation must be submitted for a SAVE (Systematic Alien Verification for Entitlements) Program operated by the U.S. Department of Homeland Security. The SAVE request must be submitted to the City of Lincoln, Finance Department in the Accounting Division by email to Seth Wilson at SWilson@lincoln.ne.gov.



For additional information regarding acceptable documents to satisfy employment authorization requirements, refer to the **INS LIST OF ACCEPTABLE DOCUMENT AND HOW DO I KNOW IF AN IMMIGRANT OR REFUGEE IS ELIGIBLE FOR WIOA TITLE 1 SERVICES.**

When determining citizenship, individuals meeting the requirements set forth in TEGL 02-14 are granted relief under the Deferred Action for Childhood Arrivals (DACA) initiative with respect to employment authorization documents (employment authorization). The WIOA Section 188(5) contains a specific nondiscrimination provision that provides participation under the WIOA is available to citizens and nationals of the U.S.; lawfully admitted permanent resident aliens, refugees, asylees and parolees; and other immigrants authorized by the Attorney General to work in the U.S. Individuals with employment authorization qualify under this provision as “immigrants authorized by the Attorney General to work in the U.S.” Therefore, DACA participants with employment authorization may access any WIOA services for which they would otherwise qualify. Appropriate documentation of employment authorization must include self-attestation, at a minimum.

The TEGL continues to apply to all programs under the WIOA, including Adult, Dislocated Worker, and Youth formula programs, National Dislocated Worker Grants, and Section 167 National Farmworker Jobs Programs. State Workforce Agencies and the WIOA grant recipients must have policies and procedures in place to ensure the provision of career and/or training services to DACA participants who have employment authorization. The

appropriate method of verifying an applicant's employment authorization will depend upon the requirements and needs of the particular program, including but not limited to the:

- Nature of the benefits to be provided.
- Need for benefits to be provided on an expedited basis.
- Length of time during which benefits will be provided.
- Cost of providing the benefits.
- Length of time it will take to verify based on a particular method.
- Cost of a particular method of verification.

Section 1.12: Selective Service

The RWS staff disbursing services or benefits have the responsibility for determining Selective Service status and eligibility for services or benefits on a case-by-case basis.

Every male citizen, and every other male residing in the U.S., must register with the Selective Service System (SSS) between their 18th and 26th birth dates. Men born on or after January 1, 1960, are required to register with Selective Service within 30 days of (i.e. within 30 days before or 30 days after) their 18th birthday. Late registration is accepted by the SSS.

This includes males who are:

- U.S. citizens.
- Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees who take up residency in the U.S. before their 26th birthday.
- Dual nationals of the U.S. and another country regardless of whether they live in the U.S.

For U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- Men who are serving in the military on full-time active duty.
- Men attending service academies.
- Disabled men who are continually confined to a residence, hospital, or institution.
- Men who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.



This list is not intended to be exhaustive. Please visit the Selective Service System website for more information about the Selective Service registration requirement. The SSS also has a quick reference chart showing who must register.

Registration

Registration for Selective Service can be accomplished in four ways:

- Complete a form at the post office.
- Go to an armed forces recruiting station.
- Go online at the Selective Service System website, **OR**
- Call 847-688-6888 between the hours of 9:00 a.m. to 4:30 p.m. Eastern Standard Time. Have the registrant's date of birth and social security number available.



Selective Service registration can be verified online. You will need the individual's name, date of birth, and social security number.

MALES UNDER 26

Prior to being enrolled in a WIOA-funded program, all males born on or after January 1, 1960 who are not registered with the Selective Service and have not reached their 26th birthday must register through Selective Service.

Male participants who enter the WIOA program at age 17 or younger and attain age 18 while participating in the program must be registered for Selective Service by the 30th day after their 18th birthday to remain eligible for WIOA services. Funds expended on male participants not registered for Selective Service by the 30th day after their 18th birthday may be considered disallowed costs. Any male youth participant who attains age 18 while enrolled in WIOA and refuses to comply with Selective Service Registration requirements shall be exited from the WIOA youth program. These youth would not be placed in follow-up and there should be case notes in NEworks to describe, in detail, the circumstances as to why services were not/could not be continued.

DETERMINING KNOWING AND WILLFUL FAILURE TO REGISTER

If an individual was required to register with Selective Service but failed to do so the individual may only receive services if they can provide evidence to establish the failure to register was not knowing and willful. Service providers will be responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.

The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. Evidence may include an applicant's statement and supporting documentation of his circumstances at the time of the required registration and the reason for failure to register. Examples of documentation to help make a determination in these cases include:

- **Service in Armed Forces** – Documentation verifying a man has served honorably in the U.S. Armed Forces such as the DD Form 214 or his Honorable Discharge Certificate may be considered sufficient evidence of his failure to register was not willful or knowing.

- **Third Party Affidavits** – Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, are also acceptable documentation and helpful to service providers determining whether the failure to register was willful and knowing.

In determining whether the failure was “knowing”, service providers should consider:

- Was the individual aware of the requirement to register?
 - a. If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g., veterans who were discharged before their 26th birthday were occasionally told they did not need to register)?
- On which date did the individual first learn he was required to register?
- Where did the individual live when he was between the ages of 18 and 26?
- Does the Status Information Letter indicate Selective Service sent letters to the individual at that address and did not receive a response?

In determining whether the failure was “willful”, service providers should consider:

- Was the failure to register done deliberately and intentionally?
- Did the individual have the mental capacity to choose whether or not to register and decided not to register?
 - a. What actions, if any, did the individual take when he learned of the requirement to register?

If the service provider determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the service provider determines the evidence shows the individual’s failure to register was knowing, and willful, WIOA services must be denied. Individuals denied services must be advised of available WIOA grievance procedures. Service providers must keep documentation related to all evidence presented in determinations related to Selective Service.

SEX GENDER CHANGE / TRANSGENDER & SELECTIVE SERVICE

Designated female at birth

If you (applicant) were designated female at birth and have had sex reassignment surgery, you do not need to register with the Selective Service. However, if you are applying for federal benefits that require proof of Selective Service registration (including educational loans), you will need to show you were never required to register with Selective Service.

People designated female at birth are never required to register. You can prove this by requesting a Status Information Letter from the Selective Service System. You must explain in detail why you believe you were not required to register for the selective service (you were designated female at birth, were diagnosed with Gender Identity Disorder [OR] an intersexed condition and have now completed sex reassignment). You should also include supporting documentation, such as a letter of affidavit from your

treating physician and a copy of your original birth certificate (with female gender marker).

The exemption letter you will receive does not specify why you are exempt so it will not force you to out yourself in any other application process. The Selective Service does, however, require a copy of your birth certificate showing your birth-assigned sex. If the sex on your birth certificate has been changed, attach any documentation you have to that affect. Once you receive your Status Information Letter, keep it in your files. For those female-to-male people, who transition before their eighteenth birthdays and change their birth certificates, it is also possible to register with the service. However, no one may register after their 26th birthday.

Please note: although Selective Service materials refer to transgender people as “people who have had a sex change,” their policies apply to those who have transitioned regardless of surgical history.

Complete the ‘Request for Status Information Letter’ form and submit it along with all supporting documentation to:

Selective Service System
P.O. Box 94638 Palatine, IL 60094-4638

Designated male at birth

If you were designated male at birth, even if you had sex reassignment surgery, you must register with the Selective Service. However, in the event the draft is resumed, you can file a claim for exemption from military service if you receive an order for an examination or induction.

People who were assigned male at birth are required to register with the Selective Service within 30 days of their 18th birthday. This includes those who may have transitioned before or since then. The Selective Service uses Social Security and other databases to determine who they believe was assigned male at birth. As of now, it is unclear whether transgender people are eligible for military service, but you are required to register nonetheless, and this is necessary to gain access to certain government benefits.

- **NAME CHANGES AND THE SELECTIVE SERVICE**

People who are assigned male at birth and who are required to register are also required to inform the Selective Service of any legal name change or change in other record information such as address up until your 26th birthday. This does not include change of gender as the Selective Service policy is entirely based on birth-assigned sex. For transwomen and others who were assigned male at birth and have registered with the Selective Service, notification of a name change is legally required within 10 days.

To update your records, fill out the Change of Information Form attached to the Registration Acknowledgement Card with your new name. Alternatively, you can fill out a Change of Information Form called SSS Form 2, which you can obtain at any United States Post Office or U.S. Embassy or Consulate abroad. You may also change your information with the Selective Service by letter. In the letter, include your full name, Social Security Number, Selective Service Number, date of birth, current mailing address and new name. With any of these three methods, you must attach official documentation of your name change and mail it to the Selective Service. Updates take four to six weeks, after which you will be mailed a new acknowledgement card.

Section 1.13: Alternative Forms of Documentation

- **Telephone Verification**

Some eligibility criteria may be verified by telephone contacts with appropriate governmental agencies or verified by document inspection. The information obtained must be documented by recording the information on the *Telephone Verification Form*.

The information recorded must be adequate to enable a monitor or auditor to trace back to the cognizant agency or document used. Telephone verification must include the name and title of the agency representative providing the verification information, along with the date and representative contact information.

Telephone verification forms may not be used to verify receipt of public assistance.

- **Self-Attestation:**

For certain documents, a self-attestation, may be used only after all practicable attempts to secure other documentation have failed. Case notes attempts made and the results.

Documented corroborative contact, or a reliable witness attesting to the accuracy of the statement, must support participant statements. The information obtained must be documented by recording the information on the *Self-Attestation Form*. The corroboration may be via witness signature or a supporting telephone verification form. In those rare instances, when a participant cannot obtain a satisfactory witness or provide a telephone contact, the participant must explain why such corroboration is not possible. Note: Self attestation may be used to verify zero income, but not to attest to an income amount greater than zero.

Documents used to verify eligibility must be maintained in the permanent participant file.

Section 1.14: Suitability Determination

Suitability determination is one of the most important factors in ensuring the overall success of the participant and program as a whole. The goal is to select youth who need assistance in overcoming employment and educational barriers, yet who are motivated and committed to putting forth the effort to improve their situation.



Section 1.15: Release of Confidential Information

The *Release of Confidential Information Form* allows the WIOA Service Provider to release information to other agencies when services of the agency have been requested, or when the objective in obtaining the information is to provide services to the client.

Nebraska Department of Education may disclose student social security numbers to a State UI agency (or other agency that has access to State UI wage records) for the purpose of determining employment status. A signed client release of information from every participant enrolled in training at a secondary and postsecondary institutions as of May 1, 2003 and thereafter (FERPA).

Section 2.0: WIOA Youth Services

- Registration

The WIOA registration process is used to collect information required by federal regulations and to make a determination of eligibility for the WIOA Youth programs. The registration and eligibility determination must be completed for any participant who is to receive the WIOA services other than non-staff assisted (self-service) and informational services.



The individual must complete a WIOA Pre-Application. The Talent Development Specialist (TDS) may complete all items on the form in a personal interview with the participant and then transfer the information to the web-based form. A personal interview with the participant is encouraged for accurate reporting since the participant will not be familiar with the definitions used for many of the reporting items. Information requested is required of all participants.

- Overview

The NEworks system shall be the data access system used for collecting information on career services provided. Each client **must** be registered in NEworks to receive a career service, other than self-service or informational activities.

There are three types of career services:

- a. Basic career services
- b. Youth Services
- c. Follow-up services

These services can be provided in any order; there is no sequence requirement for these services. Activities under career services include the following:

- Self-service and informational activities are those career services that are made available and accessible to the general public, that are designed to inform and educate individuals about the labor market and their employment strengths, weaknesses, and the range of services appropriate to their situation, and that do not require significant staff involvement with the individual in terms of resources or time." [20 CFR 666.140(a)(2)]
- Basic Career Services must be made available to all individuals seeking services served in the one-stop delivery system.
- Youth Services include career exploration and guidance, continued support for educational attainment, opportunities for skills training in in-demand industries and

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occupations and culminating with a good job along a career pathway or enrollment in post-secondary education.

- Follow up Services must be provided as appropriate for participants who are placed in unsubsidized employment for up to 12 months after the first day of employment.



Corrections or clarification to information completed by the registrant must be reviewed by the Talent Development Specialist. **In no instance should the TDS cross out or erase information provided by the registrant.** The TDS is to note whatever additional/correct information is appropriate in the comments section of the registration form. **In instances where self-attestation is applicable; the participant must revise, sign/initial, and date the correction(s).**

The WIOA rules describe nondiscrimination, EO, and religious activities requirements, as defined in the WIOA Section 188 and at 29 CFR Part 37, that recipients (state and local workforce boards, One-Stop operators, service providers, Job Corps contractors and sub recipients, as well as other types of individuals and entities) must adhere to when using the WIOA Title I funds.

The RWS must collect EO data (data on race and ethnicity, age, sex, and disability) for each individual who is interested in being considered for the WIOA Title I financially-assisted aid, benefits, services or training, and who has signified that interest by submitting personal information in response to a request by the RWS.

References

The WIOA Section 188

The WIOA Final Rules and Regulations 20 CFR:

20 CFR 683.285

29 CFR Part 37

Section 2.1: Basic Career Services

Basic career services are universally accessible and must be made available to all individuals seeking employment and training services. At minimum, services must include the following services, as is consistent with allowable program activities. Basic career services include:

1. The WIOA eligibility determination
2. Outreach/intake
3. Initial assessment of skill levels
4. Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including:
5. Job vacancy listings
6. LMI
7. Provision of performance information and program cost information on eligible providers of training services
8. Provision of information, in usable and understandable formats and languages
9. unemployment compensation. "Meaningful assistance"

PROCEDURE FOR ENROLLMENT

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TDS and Participants will:

- Complete Pre-app
- Attend Orientation/review program elements with TDS
- Complete WIOA Application
- Establish eligibility date
- BULLET Individual is given: WIOA Services Explanation, Equal Opportunity Form, WIOA Service Guide, Citizenship Attestation Form, Estimated Monthly Budget Form, Suitability Assessment Questionnaire, Follow Up Procedure & Contacts Form, Applicant Statement
- Once all documentation is completed and scanned into NWorks and/or ECM, request a Participation Date

Determination:

If individuals are determined Ineligible or unsuitable for the program, a Closed Never Enrolled is entered, a referral is done and documented in case notes stating why the person is not eligible and/or suitable for the program

Once eligibility and suitability for the program have been established and documented as gathered. All final eligibility information and documents MUST be entered into NWorks and/or scanned into ECM.

A Participation Date Request form must be completed and forwarded to the Quality Assurance Specialist who will review the application. If complete and the participant is eligible, the completed form will be forwarded to Project Director or designee for assignment of participation date. Receipt of approval will be sent to the Talent Development Specialist. A participation date and date of first service can be entered into NWorks. The first service should be the OAS followed by ISS.

WAIT LIST POLICY

A Wait List will be created by the WIOA Youth Provider should a situation develop in which enrollments need to cease in one or more of the WIOA programs. The primary cause for a Wait List would be the loss, over-expenditure, or entire obligation of program funds such that funding is not available to assist new participants.

When the Service Provider staff determines there is a need to create a Wait List, the following process will be used.

- Documentation on the need for establishing a Wait List will be compiled by the WIOA Administrator and ResCare Director no later than the 10th of the month prior to the month in which the Wait List would start.
- The information will be reviewed and a plan to address the underlying issue of why a list exists and formal plan to eliminate the use of the list will be outlined.
- When a Wait list is established, it will be the responsibility of the Service Provider to continue taking phone, electronic and in-person referrals. Those wishing to have their name on the Wait List will provide their first and last name, address, phone number, and email contact information (as available). They will also self-identify as to their military veteran status for priority of service.

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- The Service Provider will maintain a spreadsheet that documents the list data elements as reported above in date of contact order. All self-identified as military veterans will be first on the list by date order that they contact the program.
- When the Service Provider is ready to start enrolling again, the priority of service will be followed.
- Contact will be made by phone and by mail or email, as available. At a minimum, at least two different types of contact attempts must be made.
- Depending on the number of individuals on the Wait List, it may be necessary to schedule multiple orientation sessions.
- The Service Provider will document on the Wait List, who responded and the result of that response, i.e. no longer interested, scheduled appointment, etc.
- The Service Provider will keep the WIOA Administrator informed monthly on the status of the Wait List so information can be shared with the LWDB as needed.
- Records regarding the Wait List will be maintained for a minimum of 3 years from the time that the Wait List ends.

All persons have access to employment-related information and self-service tools, without restrictions. Services that are not primarily informational and self-service require WIOA registration. Eligibility for career services and training also requires the WIOA registration. Eligibility for career services is restricted to adults and dislocated workers, not youth participants, who are unemployed or employed and in need of career or training services to obtain or retain employment that allows for self-sufficiency.

WIOA Participant

Participation commences following the determination of eligibility, assignment of a participation date, and receipt of a youth career service.

For the WIOA Tile I Youth programs, a participant is a reportable individual who has received services after satisfying all applicable programmatic requirements for the provisions of services, such as eligibility determination.

For purposes of authorizing a minor to participate in the WIOA programs, the signature of a parent, guardian is required.

All participant final status information is captured using the WIOA Participation Status screen. The purpose of the data collection is to record the WIOA participant's status in the WIOA program(s). This includes future services, planned gaps, the WIOA manual exit date, and other reporting information upon exiting the WIOA program(s). This information may include credential attainment, employer information, and school information.

Youth Services are offered to individuals who meet eligibility criteria, are registered for program services, and are assigned a program participation date. Youth Services must be based on the employment needs of the individual as determined jointly by the individual and the TDS.

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Re-enrollment:

All individuals are given the opportunity to re-apply for WIOA services. Re-enrollment is determined on a case-by-case basis.

Section 2.2: Youth Program Elements

Program Elements

The 14 WIOA Youth program elements under the WIOA section 129(c)(2) are:

1. Tutoring, study skills training, instruction and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential.
2. Alternative secondary school services, or dropout recovery services, as appropriate.
3. Paid and unpaid Work-Based Learnings that have academic and occupational education as a component of the Work-Based Learning, which may include the following types of Work-Based Learnings:
 - a) Summer employment opportunities and other employment opportunities available throughout the school year.
 - b) Pre-apprenticeship programs.
 - c) Internships and job shadowing.
 - d) On-the-job training opportunities.
4. Occupational skill training, which includes priority consideration for training programs that lead to recognized post-secondary credentials that align with in-demand industry sectors or occupations in the local area involved, if the local board determines that the programs meet the quality criteria described in the WIOA Section 123.
5. Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster.
6. Leadership development opportunities, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors.
7. Supportive services.
8. Adult mentoring for a duration of at least 12 months that may occur both during and after program participation.
9. Follow-up services for not less than 12 months after the completion of participation.
10. Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of the individual.
11. Financial literacy education.
12. Entrepreneurial skills training.
13. Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services.

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14. Activities that help youth prepare for, and transition to, post-secondary education and training.

- Program Element 1 *Tutoring, study skills training, instruction, and dropout prevention services*

Further described in Final Rule: No

Applicable Participant Individual Record Layout (PIRL) Data Element Number: 1402

In 20 CFR Section 681.460 (a)(1) this is the first program element listed and includes “tutoring, study skills training, instruction and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential.”

Tutoring, study skills training, and instruction that lead to a *high school diploma* are reported under this program element. Such services focus on providing academic support, helping a youth identify areas of academic concern, assisting with overcoming learning obstacles, and providing tools and resources to develop learning strategies. Tutoring, study skills training, and instruction can be provided one-on-one, in a group setting, and through resources and workshops.

Secondary school dropout prevention strategies intended to lead to a high school diploma are also reported under this program element. Secondary school dropout prevention strategies include services and activities that keep a young person in-school and engaged in a formal learning and/or training setting. Strategies include, but are not limited to tutoring, literacy development, active learning experiences, after-school opportunities, and individualized instruction.

While dropout recovery strategies that lead to completion of a recognized high school equivalency are included in both this first program element and in program element two in 20 CFR Section 681.460 (a)(2) described below, those services are not reported under this program element. For documentation purposes, those services aimed at getting a youth who has dropped out of secondary education back into a secondary school or alternative secondary school/high school equivalency program and preparing them for high school equivalency attainment, should be counted under program element two.

Furthermore, while the statutory and regulatory language for both program elements one and four (discussed below) include language discussing services leading to recognized postsecondary credentials, training services that lead to recognized postsecondary credentials should be reported under program element four “occupational skills training” to avoid duplicated reporting of services.

- Program Element 2 *Alternative secondary school services or dropout recovery services*

Further described in Final Rule: No

Applicable PIRL Data Element Number: 1403

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Alternative secondary school services, such as basic education skills training, individualized academic instruction, and English as a Second Language training, are those that assist youth who have struggled in traditional secondary education. Dropout recovery services, such as credit recovery, counseling, and educational plan development, are those that assist youth who have dropped out of school. While the activities within both types of services may overlap, each are provided with the goal of helping youth to re-engage and persist in education that leads to the completion of a recognized high school equivalent.

Program Element 3

Paid and Work-Based Learning

Further described in Final Rule: Sections 681.600, 681.590, 681.480

Applicable PIRL Data Element Numbers: 1205, 1405

Regulation 20 CFR Section 681.600 further defines Work-Based Learning as “a planned, structured learning experience that takes place in a workplace for a limited period of time. Work-Based Learning may be paid or unpaid, as appropriate. A Work-Based Learning may take place in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any Work-Based Learning where an employee/employer relationship, as defined by the Fair Labor Standards Act (FLSA), or applicable state law exists. Consistent with Section 680.840, funds provided for Work-Based Learnings may not be used to directly or indirectly aid in the filling of a job opening that is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage. Work-Based Learnings provide the youth participant with opportunities for career exploration and skill development.” Additional information on the employer/employee relationship may be found on USDOL’s Wage and Hour Division website.

The WIOA and 20 CFR Section 681.590(a) require that a minimum of 20 percent of local area funds for the Title I Youth program be spent on Work-Based Learning. As explained in 20 CFR

Section 681.590(b), local area administrative costs are not subject to the 20 percent minimum Work-Based Learning expenditure requirement. Leveraged resources cannot be used to fulfill any part of the 20 percent minimum.

The TEGL 08-15 provides further discussion of allowable expenditures that may be counted toward the Work-Based Learning expenditure requirement and articulates that program expenditures on the Work-Based Learning program element can be more than just wages paid to youth in Work-Based Learning. Allowable Work-Based Learning expenditures include the following:

- Wages/stipends paid for participation in a Work-Based Learning.
- Staff time working to identify and develop a Work-Based Learning opportunity, including staff time spent working with employers to identify and develop the Work-Based Learning.
- Staff time working with employers to ensure a successful Work-Based Learning, including staff time spent managing the Work-Based Learning.
- Staff time spent evaluating the Work-Based Learning.

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- Participant Work-Based Learning orientation sessions.
- Employer Work-Based Learning orientation sessions.
- Classroom training or the required academic education component directly related to the Work-Based Learning.
- Incentive payments directly tied to the completion of Work-Based Learning.
- Employability skills/job readiness training to prepare youth for a Work-Based Learning.

Supportive services are a separate program element and cannot be counted toward the Work-Based Learning expenditure requirement even if supportive services assist the youth in participating in the Work-Based Learning.

Academic and occupational education component. As discussed in 20 CFR Section 681.600, Work-Based Learning activities must include academic and occupational education. The educational component may occur concurrently or sequentially with the Work-Based Learning. However, TDSs must recognize the risk of loss of interest to engage in the academic or occupational education component following participation in a Work-Based Learning activity. **It is the responsibility of the TDS to ensure that the youth completes the academic and occupational education component of the Work-Based Learning activity to confirm compliance with the WIOA. Further, the TDS must document in the ISS and/or case notes, the academic and occupational component's connection to the Work-Based Learning.**

The academic and occupational education component may occur inside or outside the work site. The Work-Based Learning employer can provide the academic and occupational component, or such components may be provided separately in the classroom or through other means. State and local areas have the flexibility to decide who provides the education component.

The academic and occupational education component refers to contextual learning that accompanies a Work-Based Learning. It includes the information necessary to understand and work in specific industries and/or occupations. For example, if a youth is in a Work-Based Learning activity in a hospital, the occupational education could be learning about the duties of different types of hospital occupations such as a phlebotomist, radiology tech, or physical therapist. Whereas, the academic education could be learning some of the information individuals in those occupations need to know such as why blood type matters, the name of a specific bone in the body, or the function of a specific ligament. Local programs have the flexibility to determine the appropriate type of academic and occupational education necessary for a specific Work-Based Learning activity.

Categories of Work-Based Learning. The WIOA identifies four categories of Work-Based Learning: (1) summer employment opportunities and other employment opportunities available throughout the school year; (2) pre-apprenticeship programs; (3) internships and job shadowing; and (4) OJT opportunities as defined in the WIOA Section 3(44) and in 20 CFR Section 680.700. Two of the categories, job shadowing and pre-apprenticeship, are discussed below.

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Pre-apprenticeship

As discussed in 20 CFR Section 681.480, pre-apprenticeship is a program designed to prepare individuals to enter and succeed in a registered apprenticeship program, and includes the following elements: (a) training and curriculum that aligns with the skill needs of employers in the economy of the state or region involved; (b) access to educational and career counseling and other supportive services, directly or indirectly; (c) hands-on, meaningful learning activities that are connected to education and training activities, such as exploring career options, and understanding how the skills acquired through coursework can be applied toward a future career; (d) opportunities to attain at least one industry-recognized credential; and (e) a partnership with one or more registered apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program in a registered apprenticeship program.

Internships

Internships may take place in the private, for-profit sector; the non-profit sector; or the public sector. The appropriateness of an internship for a participant should be documented in the participant's ISS or case notes, and should show a clear linkage between the internship and potential improvement in the participant's employability in a high-demand occupation and/or industry.

The USDOL has released a Fact Sheet regarding internship programs under the FLSA.

Job Shadowing

Job shadowing is a Work-Based Learning option where youth learn about a job by walking through the workday as a shadow to a competent worker. The job shadowing Work-Based Learning is a temporary, unpaid exposure to the workplace in an occupational area of interest to the participant. Youth witness firsthand the work environment, employability and occupational skills in practice, the value of professional training, and potential career options. A job-shadowing experience can be anywhere from a few hours, to a day, to a week or more.

Job shadowing is designed to increase career awareness, help model youth behavior through examples, and reinforce in the youth and young adult the link between academic classroom learning and occupational work requirements. It provides an opportunity for youth to conduct short interviews with people in their prospective professions to learn more about those fields. Job shadowing can be thought of as an expanded informational interview. By experiencing a workplace first-hand, youth can learn a great deal more about a career than through research in print publications and on the Internet.

Program Element 4 *Occupational skills training*

Further described in Final Rule: Section 681.540, 681.550

Applicable PIRL Data Element Numbers: 1300, 1302, 1303, 1306 – 1319

As stated in 20 CFR Section 681.540 of the Final Rule, occupational skills training is defined as an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels. Local areas must give priority consideration to training programs that lead to recognized postsecondary credentials that

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align with in-demand industry sectors or occupations in the local area. Such training must contain these components:

- be outcome-oriented and focused on an occupational goal specified in the ISS.
- be of sufficient duration to impart the skills needed to meet the occupational goal.
- lead to the attainment of a recognized postsecondary credential.

In addition, the chosen occupational skills training must meet the quality standards in the WIOA Section 123.

Individual Training Accounts (ITAs)

As discussed in 20 CFR Section 681.550, “in order to enhance individual participant choice in their education and training plans and provide flexibility to service providers, the Department allows the WIOA ITAs for OSY, ages 16 to 24 using the WIOA youth funds when appropriate.” ITAs allow participants the opportunity to choose the training provider that best meets their needs. To receive funds from an ITA, the training provider must be on the Eligible Training Provider List as outlined in 20 CFR Sections 680.400 and 680.410.

Please Note: An ITA is not the only allowable way to fund training for youth. It is one allowable option to enhance individual participant choice in education and training plans and provide flexibility to service providers. Training may also be funded via direct payment to an education or training provider after documented consideration of cost, locality, and participant preference of a minimum of three options are evaluated. This documentation must be available for review.

ISY cannot use youth program-funded ITAs. However, in addition to the above-mentioned direct payment, ISY between the ages of 18 and 21 may co-enroll in the WIOA Adult program if the young adult’s individual needs, knowledge, skills, and interests align with the WIOA adult program and may receive training services through an ITA funded by the adult program.

NEworks Entry

Please select the Youth Occupational Skills Training code when entering this activity in NEworks. Per the PIRL, the Other Occupational Skills Training code should only be utilized in rare instances when other codes are clearly not appropriate.

Program Element 5

Education offered concurrently with workforce preparation and training for a specific occupation

Further described in Final Rule: Section 681.630

Applicable PIRL Data Element Number: 1407

Regulation 20 CFR Section 681.630 states that this program element reflects an integrated education and training model and describes how workforce preparation activities, basic academic skills, and hands-on occupational skills training are to be taught within the same time frame and connected to training in a specific occupation, occupational cluster, or career

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pathway. While programs developing basic academic skills, which are included as part of alternative secondary school services and dropout recovery services (Element 2), workforce preparation activities that occur as part of a Work-Based Learning (Element 3), and occupational skills training (Element 4) can all occur separately and at different times (and thus are counted under separate program elements), this program element refers to the concurrent delivery of these services which make up an integrated education and training model.

Program Element 6 Leadership development opportunities

Further described in Final Rule: Section 681.520, 681.530

Applicable PIRL Data Element Number: 1408

The 20 CFR Section 681.520 defines this program element as opportunities that encourage responsibility, confidence, employability, self-determination, and other positive social behaviors such as: (a) exposure to postsecondary educational possibilities, (b) community and service learning projects, (c) peer-centered activities, including peer mentoring and tutoring, (d) organizational and team work training, including team leadership training, (e) training in decision-making, including determining priorities and problem solving, (f) citizenship training, including life skills training such as parenting and work behavior training, (g) civic engagement activities which promote the quality of life in a community, and (h) other leadership activities that place youth in a leadership role such as serving on youth leadership committees, such as a Standing Youth Committee.

Program Element 7 Supportive services

Further described in Final Rule: Section 681.570

Applicable PIRL Data Element Number: 1409

The 20 CFR Section 681.570 describes supportive services for youth defined in the WIOA Section 3(59), as services that enable an individual to participate in the WIOA activities. These services include, but are not limited to, the following: (a) linkages to community services, (b) assistance with transportation, (c) assistance with child care and dependent care, (d) assistance with housing, (e) needs-related payments, (f) assistance with educational testing, (g) reasonable accommodations for youth with disabilities, (h) legal aid services, (i) referrals to health care, (j) assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear; (k) assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes, and (l) payments and fees for employment and training-related applications, tests, and certifications.

Supportive services may be provided to address identified needs that may interfere with the participant's ability to successfully participate in the WIOA program or interrupt their attachment to the workforce. These services may be addressed whenever the need is identified, whether at initial assessment or at any time during participation in the WIOA program. Supportive services may be delivered while a participant is enrolled in one or more of the 14 required program elements, including while an exited participant is eligible for follow-up services. Supportive services may be provided only after it has been determined that the services are *necessary* for participation in program activities.

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When considering the necessity of providing a supportive service, providers shall make a determination of which services are reasonably required for each individual participant based on his/her unique needs, as identified through the participant assessment process. The need for and provision of, or referral to these services should be documented in the ISS and case notes. Supportive services may be provided to participants as follow-up services only, as documented in his or her ISS.

Element 8 Adult mentoring

Further described in Final Rule: Section 681.490

Applicable PIRL Data Element Number: 1410

The 20 CFR Section 681.490 states that adult mentoring must last at least 12 months and may take place both during the program and following exit from the program and be a formal relationship between a youth participant and an adult mentor that includes structured activities where the mentor offers guidance, support, and encouragement to develop the competence and character of the mentee. The final rule also states that while group mentoring activities and mentoring through electronic means are allowable as part of the mentoring activities, at a minimum, the local youth program must match the youth with an individual mentor with whom the youth interacts on a face-to-face basis. Mentoring may include workplace mentoring where the local program matches a youth participant with an employer or employee of a company. Local programs should ensure appropriate processes are in place to adequately screen and select mentors.

The USDOL acknowledges that in a few areas of the country finding mentors may present a burden to a program. While USDOL strongly prefers that career planners not serve as mentors, the final rule allows career planners to serve as mentors in areas where adult mentors are sparse.

Program Element 9 Follow-up services

Further described in Final Rule: Section 681.580

Applicable PIRL Data Element Number: 1412

The 20 CFR Section 681.580 describes follow-up services as critical services provided following a youth's exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training. Follow-up services may include regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise. Follow-up services may begin immediately following the last expected date of service in the Youth program (and any other USDOL program in which the participant is co-enrolled if the state is using a common exit policy as discussed in TEGL 10-16) when no future services are scheduled.

Follow-up services do not cause the exit date to change and do not trigger re-enrollment in the program.

The exit date is determined when the participant has not received services in the Youth program or any other USDOL-funded program in which the participant is co-enrolled for 90 days and no additional services are scheduled. At that point, the date of exit is applied

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retroactively to the last date of service. Once 90 days of no services, other than follow-up services, self-service, and information-only services and activities, has elapsed and the participant has an official exit date applied retroactively to the last date of service, the program continues to provide follow-up services for the remaining 275 days of the 12-month follow-up requirement. The 12-month follow-up requirement is completed upon one year from the date of exit. However, follow-up services may be provided beyond 12 months at the local board's discretion.

The final rule also states that follow-up services for youth may include the following program elements: (1) supportive services, (2) adult mentoring, (3) financial literacy education, (4) services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services, and (5) activities that help youth prepare for and transition to postsecondary education and training. Provision of these program elements must occur after the exit date in order to count as follow-up services. The USDOL recommends that when these services are provided as follow-up services they are coded as follow-up services in state/local management information systems as opposed to program services provided prior to program exit so that management information systems clearly differentiate follow-up services from those services provided prior to exit. In addition, such follow-up services should be documented in the case file that they were provided as follow-up services post exit.

Please Note: The above-mentioned program elements are the only elements allowable during follow-up. Work-Based Learning is not an allowable follow-up activity.

The 20 CFR Section 681.580 states that all youth participants must be offered an opportunity to receive follow-up services that align with their ISS. Furthermore, follow-up services must be provided to all participants for a minimum of 12 months unless the participant declines to receive follow-up services or the participant cannot be located or contacted. The types of services provided and the duration of services must be determined based on the needs of the individual and therefore, the type and intensity of follow-up services may differ for each participant.

Follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome. Contact attempts and/or contact made to secure documentation in order to report a performance outcome is to be recorded in case notes, not as an activity in Neworks.

Program Element 10 *Comprehensive guidance and counseling*

Further described in Final Rule: Section 681.510

Applicable PIRL Data Element Number: 1411

The 20 CFR Section 681.510 states that comprehensive guidance and counseling provides individualized counseling to participants. This includes drug and alcohol abuse counseling, mental health counseling, and referral to partner programs, as appropriate. When referring participants to necessary counseling that cannot be provided by the local youth program or its service providers, the local youth program must coordinate with the organization it refers to in order to ensure continuity of service. When resources exist within the local program or

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its service providers, it is allowable to provide counseling services directly to participants rather than refer youth to partner programs.

Program Element 11 *Financial literacy education*

Further described in Final Rule: Section 681.500

Applicable PIRL Data Element Number: 1206

The 20 CFR Section 681.500 states that this program element may include the following activities:

- Support the ability of participants to create budgets, initiate checking and savings accounts at banks, and make informed financial decisions.
- Support participants in learning how to effectively manage spending, credit, and debt, including student loans, consumer credit, and credit cards.
- Teach participants about the significance of credit reports and credit scores, what their rights are regarding their credit and financial information, how to determine the accuracy of a credit report and how to correct inaccuracies, and how to improve or maintain good credit.
- Support a participant's ability to understand, evaluate, and compare financial products, services, and opportunities and to make informed financial decisions.
- Educate participants about identity theft, ways to protect themselves from identify theft, and how to resolve cases of identity theft and in other ways understand their rights and protections related to personal identity and financial data.
- Support activities that address the particular financial literacy needs of non-English speakers, including providing the support through the development and distribution of multilingual financial literacy and education materials.
- Support activities that address the particular financial literacy needs of youth with disabilities, including connecting them to benefits planning and work incentives counseling.
- Provide financial education that is age appropriate, timely, and provides opportunities to put lessons into practice, such as by access to safe and affordable financial products that enable money management and savings.
- Implement other approaches to help participants gain the knowledge, skills, and confidence to make informed financial decisions that enable them to attain greater financial health and stability by using high quality, age-appropriate, and relevant strategies and channels, including, where possible, timely and customized information, guidance, tools, and instruction.

In November of 2016, the Financial Literacy Education Commission released a guide, "Incorporating Financial Capability into Youth Employment Programs," aimed at financial institutions interested in enhancing youth financial capability by partnering with youth

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employment programs. It maps how and why financial institutions engage in helping young people achieve greater financial well-being and employment success.

The Federal Deposit Insurance Corporation has multiple free tools to assist with the understanding of financial literacy on their Youth Employment Resource Center website. These tools include Money Smart, which is a comprehensive financial education curriculum designed to help low- and moderate-income individuals outside the financial mainstream enhance their financial skills and create positive banking relationships.

Program Element 12 *Entrepreneurial skills training*

Further described in Final Rule: Section 681.560

Applicable PIRL Data Element Number: 1413

The 20 CFR Section 681.560 states this program element provides the basics of starting and operating a small business. Such training must develop the skills associated with entrepreneurship. Such skills may include, but are not limited to, the ability to:

- Take initiative.
- Creatively seek out and identify business opportunities.
- Develop budgets and forecast resource needs.
- Understand various options for acquiring capital and the trade-offs associated with each option.
- Communicate effectively and market oneself and one's ideas.

Approaches to teaching youth entrepreneurial skills may include, but are not limited to:

- Entrepreneurship education that provides an introduction to the values and basics of starting and running a business. Entrepreneurship education programs often guide youth through the development of a business plan and also may include simulations of business start-up and operation.
- Enterprise development which provides supports and services that incubate and help youth develop their own businesses. Enterprise development programs go beyond entrepreneurship education by helping youth access small loans or grants that are needed to begin business operation and by providing more individualized attention to the development of viable business ideas.
- Experiential programs that provide youth with experience in the day-to-day operation of a

business. These programs may involve the development of a youth-run business that young people participating in the program work in and manage. Or, they may facilitate placement in apprentice or internship positions with adult entrepreneurs in the community.

Program Element 13 *Services that provide Labor Market Information (LMI)*

Further described in Final Rule: Section 651.10

Applicable PIRL Data Element Number: 1414

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Under 20 CFR Section 681.460 (a)(13), this element includes “services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services.” This element is not further described in the Youth section of the final rule; however, the Wagner-Peyser regulation at 20 CFR Section 651.10 provides additional information about this element under the definition of workforce and labor market information. That section defines workforce and labor market information as “the body of knowledge that describes the relationship between labor demand and supply.” Numerous tools and applications that are user-friendly exist, which can be used to provide labor market and career information, as appropriate to each youth. These LMI tools can be used to help youth and young adults to make appropriate decisions about education and careers. LMI identifies in-demand industries and occupations and employment opportunities; and, provides knowledge of job market expectations including education and skills requirements and potential earnings. LMI tools also can aid in facilitating youth awareness of the career fields that are likely to provide long-term employment and earnings in local labor markets. The WIOA youth programs and providers should become familiar with state and federal LMI data and LMI tools, which are provided for free, in order to share relevant LMI with youth. Providing such readily available online services can be accomplished by connecting the youth with American Job Centers and other entities that have career exploration tools, ability and interest inventories, and provide related employment services. The USDOL electronic tools particularly relevant to youth include My Next Move and Get My Future. In addition to connecting youth to self-service LMI tools, it is important for youth providers to share and discuss state and local LMI with youth participants.

The Nebraska Labor Market Information Fast Facts website is designed to provide quick access to many sources of LMI all in one place. Easy-to-use reports are designed to be printer-friendly to reduce your time collecting and preparing LMI for presentation to customers and colleagues. Search options include occupation, region, industry, and cluster.

In general, career awareness begins the process of developing knowledge of the variety of careers and occupations available, their skill requirements, working conditions, and training prerequisites, and job opportunities across a wide range of industry sectors. The process in which youth choose an educational path and training or a job which fits their interests, skills, and abilities can be described as career exploration. Career counseling or guidance provides advice and support in making decisions about what career paths to take. Career counseling services

may include providing information about resume preparation, interview skills, potential opportunities for job shadowing, and the long-term benefits of postsecondary education and training (e.g., increased earning power and career mobility).

ResCare strongly encourages use of the newly developed, free Nebraska Education and Career Pathfinder tool, which provides information to students, their parents, and guidance staff to make informed choices about educational and career options, as well as to help with creation of educational development plans. This free tool uses current labor market information, longitudinal wage data, and other institutional data and metrics, allowing improved skills-matching to career paths and jobs.

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Program Element 14 *Postsecondary preparation and transition activities*

Further described in Final Rule: No

Applicable PIRL Data Element Number: 1415

In 20 CFR Section 681.460 (a)(14), the final program element is activities that help youth prepare for and transition to postsecondary education and training. Postsecondary preparation and transition activities and services prepare ISY and OSY for advancement to postsecondary education after attaining a high-school diploma or its recognized equivalent. These services include exploring postsecondary education options including technical training schools, community colleges, 4-year colleges and universities, and registered apprenticeship. Additional services include, but are not limited to, assisting youth to prepare for SAT/ACT testing; assisting with college admission applications; searching and applying for scholarships and grants; filling out the proper Financial Aid applications and adhering to changing guidelines; connecting youth to postsecondary education programs; and skill development and practice, such as time management, mock interviews, independent living, or legal responsibilities after the age of 18.

References

TEGL 10-16- Performance Accountability Guidance for WIOA Title I, Title II, Title III and Title IV Core Programs

TEGL 21-16- Third WIOA Title I Youth Formula Program Guidance

20 CFR 681.460, 681.480-540, 681.560-600, 681.630

Section 2.3: Case Management

Case management is the foundation of service delivery in the workforce development system. Effective case management practices include the development of ISSs, follow-up services, and case note and file maintenance. A successful case management approach includes assessing and interpreting needs, developing strategies to help reach educational, training, and employment goals, providing tools and resources to help overcome personal barriers, documenting youth participation, referral outcomes, service decisions, summaries of one-on-one meetings, and achievements, and providing follow-up services. Case management provides an opportunity for staff to build a working relationship with the participant and with key organizations in order to assist youth in meeting their objectives.

- Develop on-going relationships with their participants and act as a resource.
- Be knowledgeable about available referral services, and utilize them to best suit the participant's needs.
- As appropriate, be in communication with a staff member trained in career counseling services.
- Develop a relationship with adult education instructors where appropriate and possible.
- Guide the participant in understanding and acting on their ISS.
- Document case management, as it is vital to quality service.

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Participants should see the same TDS for check-ins and return visits until the participant exits the system.

The participant shall be notified in the event that the TDS changes and offered an opportunity for an introductory meeting with the new TDS as soon as mutually convenient.

References

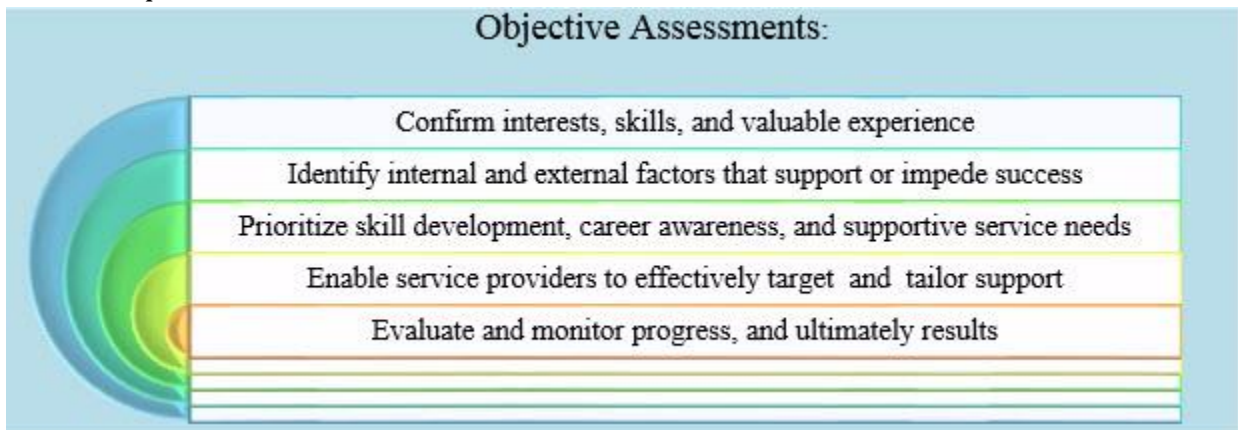
TEGL 03-03, and Changes- Data Validation Policy for Employment and Training Programs
TEGL 05-14- Workforce Investment Act (WIA) Youth Program Guidance for Program Year (PY) 2014

Section 2.4: Suitability/Objective Assessment

All youth participants are to be provided an objective assessment that assesses educational functioning levels, as well as identifies individual strengths and barriers, goals, interests, hard and soft skills, and need for supportive services. The objective assessment process includes a review of basic and occupational skills, prior Work-Based Learning, educational attainment level, employability potential, and developmental needs.

The objective assessment:

- Is an ongoing process and should not be viewed as a one-time event.
- Should include interviews, career guidance instruments, basic skills assessments, and observations.
- Can provide insight and guidance to both the TDS and the participant during development of the ISS.



Determining Educational Functioning Level (EFL)

The WIOA requires all eligible youth to be provided with an objective assessment which includes a review of academic skill levels.

If a youth has been assessed for basic skills deficiency in the previous six months, staff may use those results in lieu of re-testing; however, the results of the alternate test must be verifiable and documented. In addition, the same test format must be available and administered for

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post-testing at a later date.

Reasonable accommodations must be provided, as applicable, when assessing youth with disabilities.

As a reminder, frontline staff must keep a copy of the test scoring sheet in the participant file. In addition to the participant's name, per federal Data Validation guidance, the test score sheet must show the date of the test(s), total score(s), and grade level equivalent(s). Case notes should also detail the participant's progress.

EFL Gains

When measuring EFL gains after program enrollment under the measurable skill gains indicator, local programs must use a National Reporting Standards approved assessment for both the EFL pre- and post-test to determine an individual's educational functioning level.

Pre-Testing

ResCare staff may administer any test deemed allowable by the Department of Education for reporting basic skills outcomes as a part of the objective assessment. Examples include CASAS, TABE Locator, Accuplacer, etc.

For Comprehensive Adult Student Assessment System (CASAS) testing, if the participant computes or solves problems, reads, writes, or speaks English at or below the 8th grade level, the participant is determined to be basic skills deficient and will require post-testing, unless meeting the exception found in the Post-Testing segment of this section. Participants who are determined not to be basic skills deficient, based on pre-test results, are excluded from post-testing requirement.

Please visit National Reporting System website for the most recent edition of testing benchmarks.

Post-Testing

Basic skills deficient participants who receive services for more than one-year must be post-tested prior to the participant's anniversary date (the date of the first youth program service) of each year, through year three, of participation.

Exception: If the individual attains a high school diploma, recognized equivalent, or college degree, the decision to post-test the individual is at local discretion.

References

The WIOA Section 129(c)(1)(A)

20 CFR Section 681.290

TEGLs 17-05, and Changes- Common Measures Policy for the Employment and Training

Administration's Performance Accountability System and Related Performance Issues

TEGL 22-15- PY 2015/Fiscal Year (FY) 2016 and PY 2014/FY 2015 Data Validation and

Performance Reporting Requirements and Associated Timelines

TEGL 10-16- Performance Accountability Guidance for WIOA Title I, Title II, Title III and Title IV Core Programs

Section 2.5: Individual Service Strategy (ISS)

The WIOA calls for the youth population to be personally involved in the design and implementation of services so the youth voice is represented and their needs are being met. Having a well-developed ISS and related documentation is a vital part of case management and is required by the USDOL regulations. As outlined in the WIOA Section 129 (c)(1)(B), the ISS represents an individual plan for each young person and includes:

- an employment goal,
- appropriate achievement objectives, including educational goals, and
- appropriate services that take into account information learned from the objective assessment.

The ISS is a detailed, unique, individual strategy for each participant that is the basis for the overall case management strategy. An E-copy of the ISS must be uploaded into ECM.

As a reminder, the WIOA Youth program requires every youth participant to have an ISS, updated as needed, that:

- Is directly linked to one or more indicators of performance described in WIOA Section 116(b)(2)(A)(ii); -AND-
- Identifies appropriate career pathways that include education and employment goals; -AND-
- Considers career planning and the results of the objective assessment; -AND-
- Prescribes achievement objectives and services for the participant.



The ISS shall be a living document, to be reviewed and updated on an ongoing basis. The TDS should use the ISS to update strategies and activities as they occur and/or as life changes require, and to document referral and contact information for services obtained from partner organizations.

When reviewing the ISS, career planners shall document a participant's progress, activities completed, benchmarks reached, and any other accomplishments. Additionally, the ISS shall document achievements in measurable and attainable short-term and long-term goals that both reflect the young person's interests and incorporate career pathway planning. The aforementioned goals are not to be vague or one-size fits all, such as "Long-term employment" or "Get a degree." Whenever possible, career and education goals are to drive service delivery.

The ETA and the state monitoring reviews have found that Youth providers often lack a fully-developed ISS for participants. Furthermore, in many cases, ISSs were found to be inadequately developed and incomplete. In addition to not incorporating comprehensive

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assessment results, many did not reflect a career goal, were not developed for each participant, did not document remediated barriers, and/or did not match service provision.

The ISSs are subject to review during Programmatic Reviews. Lack of the above mentioned components and/or lack of proper revision will result in a finding.

The participant must receive a copy of the ISS signed and dated by both the participant and career planner. When the ISS is significantly modified, such as the addition or modification of information that may be used as data validation source documentation, a new copy should be signed and dated by both parties and provided to the participant.

The WIOA calls for customer-focused services based on the needs of the individual participant. This includes the creation of career pathways for youth in all Title I youth programs, including a connection to career pathways as part of a youth's ISS in the Youth formula-funded program.

Section 2.6: Goals, Activities, and Incentives

Youth Goals

Learning how to set goals must be a part of the development of each ISS. Goal setting may enable youth to make effective use of the WIOA program and services and, ultimately, to set goals for themselves as they pursue adult responsibilities, such as completing their education, finding employment, and becoming good citizens.

Examples of goals include:

Basic Skill Goals

Basic skill goals reflect a measurable increase in basic education skills including reading, math computation, writing, speaking, listening, problem-solving, reasoning, and capacity to use these skills.

Occupational Skill Goals

Occupational skill goals include performing actual tasks and technical functions required by certain occupations at entry, immediate, or advanced levels.

For example:

- | | |
|---------------------|------------------------------|
| • Safety procedures | • Work-related terminology |
| • Clean-up routines | • Use of tools and equipment |

Work Readiness Skill Goals

- | | |
|----------------------------|--------------------------|
| • World of work awareness | • Personal understanding |
| • Labor market information | • Decision making |
| • Occupational information | • Job search awareness |
| • Values clarification | • Daily living skills |

Section 2.7: WIOA Activities

Youth can be enrolled in several different activities, as appropriate, following the determination of their needs as identified during intake and the development of the ISS.

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Each activity involves the collection of information unique to that activity. There are five categories of youth activities found in OSMIS, including:

1. Education Services
2. Work-Based Learnings
3. Additional Support for Youth
4. Leadership Development Opportunities
5. Follow-up Service

Incentives:

Only eligible Youth Program participants may receive monetary stipends as incentive for recognition and achievement directly tied to Individual activities, training activities, or work based learning. Incentives may be awarded for:

1. Credential Attainment Incentive (Degree/Certificate/Diploma/GED)

The goal for this incentive is to encourage youth to obtain a WIOA-recognized credential. Participants are eligible to receive two incentive payments as follows.

\$200 = First credential attained

\$100 = Second Credential attained

The participant must produce a copy of a certificate of completion, diploma, or other related documentation.

Credential Incentive Limit: Greater Lincoln will only provide two Credential Attainment incentive payments per participant. If a participant achieves more than two credentials while enrolled in the WIOA program, they are only eligible to receive two Credential Incentive. Participants eligible for a credential incentive may not “double up” and receive a GPA incentive in the same term. The participant would be eligible for the GPA incentive in future terms if they have not already received the maximum of three GPA Incentives.

2. GPA Incentive

The goal for this incentive is to encourage continued engagement and quality work throughout the participant's academic endeavors.

To be eligible to receive a GPA incentive, participants must participate in training with an Eligible Training Provider or approved institution for which they receive a Grade Point Average (GPA).

Youth participating in training programs that do not earn a GPA are not eligible for this incentive. This includes Pass-Fail, Satisfactory-Unsatisfactory, etc., type programs of study.

The amount of the incentive will correspond to the cumulative GPA at the end of each term (quarterly, per semester, summer term, etc.) as follows, based on a 4.0 GPA system.

\$25 = 2.5 *Final* GPA

\$50 = 3.0 *Final* GPA

\$75 = 3.5 *Final* GPA

\$100 = 4.0 *Final* GPA

GPA Incentive Limit: Greater Lincoln will only provide three GPA Incentives per participant. If a participant participates in more than three programs that utilizes a GPA, they are only eligible to receive three GPA Incentives. Participants eligible for a credential incentive may not “double up” and receive a

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GPA incentive in the same term. The participant would be eligible for the GPA incentive in future terms if they have not already received the maximum of three GPA Incentives.

3. Work Based Learning (WBL) Incentive

The goal for this incentive is to encourage participants to successfully complete the actual number of WBL contracted hours.

\$200 will be paid for the successful completion of the WBL as outlined in the ISS. The participant must produce a signed and dated letter of reference from the supervisor/worksites stating that the participant met all required attendance, work duties, and professional conduct standards.

The letter must be on company letterhead and include the following information:

- Where the job was performed,
- Supervisor's name and signature,
- Employee's name and signature, and
- The date-range the work occurred.

Work Based Learning Incentive Limit: Greater Lincoln will only provide one WBL incentive per participant.

Please note:

With three categories of incentive awards available, if eligible, participants may receive any combination of incentive awards up to each category maximum.

All incentives must be outlined in the Individual Service Strategy before approval of any incentive payment.

Section 2.8: Individual Training Accounts

WIOA Title I-B training services for WIOA eligible out of school youth are provided through ITAs. Using ITA funds, WIOA eligible out of school youth purchase training services from eligible training providers they select in consultation with a RWS Lincoln Talent Development Specialist. Participants are expected to utilize information such as skills assessments, labor market conditions/trends, and training providers' performance, and to take an active role in managing their employment future using ITAs.

ITAs are one training option available to eligible and appropriate participants when it is determined by a Talent Development Specialist that they will be unlikely or unable to obtain or retain employment that leads to self-sufficiency or higher wages from previous employment through career services alone. An ITA is limited in cost and duration and must result in employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment.

ITAs are allowed for out-of-school youth ages 18-24 (out-of-school youth ages **16-17 are not eligible for ITAs**) per WIOA Section 129(c)(2)(D) and Proposed 20 CFR 681.550.

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ITAs are not entitlements and shall be provided to eligible participants based on an individualized assessment of the person's job readiness, employment and training needs, financial, social and supportive needs, labor market demand and potential for successful completion, as documented on the participant's ISS. Participants choose career training with [Eligible Training Providers](#) in consultation with Talent Development Specialists.

A: ITA funding for training is limited to participants who:

- Complete an assessment and an Individual Service Strategy (ISS) that identifies the selected training course;
- The participant must meet all requirements of the training course before registration. If the participant does not meet program requirements, enrollment into remedial classes, tutoring & retesting will be recommended.
- The participant has demonstrated the following: Commitment to completing the identified training program, knowledge of the targeted demand occupation in the local area or proposed area of employment, knowledge of the job requirements and working conditions of the chosen career, knowledge of training courses available and pertinent performance and cost information, the ability to meet the training provider's entrance requirements, the training program is consistent with the participant's ISS, attendance at all required appointments.
- Are unable to obtain grant assistance from other sources to pay the costs of training or require assistance beyond available grant resources from other sources, such as Pell Grants in order to complete their training goals;
- Select training programs that are directly linked to an in-demand industry sector or occupation or sectors that have a high potential of sustained demand or growth in the local area or in the planning region or in another area in which the participant is willing to travel or relocate [WIOA Section 134(c)(3)(G)(iii)]; and
- Maintain satisfactory progress/grades throughout the training program.
- An individual may select training that costs more than the \$7,000 WIOA maximum amount, when other sources of funds are available to supplement the ITA.

Talent Development Specialists must consider and document in the participant file the availability of other sources of grants, excluding loans, to pay for training costs so that WIOA funds are used to supplement but not supplant other sources. The use of WIOA funds to make payments towards a personal loan of an otherwise eligible participant is prohibited. However, the mere existence of a federal loan, regardless of the status, must not impact ITA eligibility determinations.

B: ITA Authorization:

Individual Training Account Funding Agreement Form must be completed and approved by a WIOA program manager prior to issuance.

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Participants must be enrolled in approved training within 60 days of the ITA award designation. Participants will be considered enrolled in training if they:

1. Are pre-registered for classes or on a waiting list of an approved training provider;
2. Have a starting date of training that is not more than one quarter or term in the future.

Exceptions to the above criteria are:

- a. Class cancellation
 - b. Health problems (with doctor's letter as proof)
3. Demonstrated childcare barriers;
 4. Job related factors (with employer's letter as proof).

The individual must have the skills and qualifications to successfully complete the selected training program (limited English proficiency should not be a barrier, but supplemental intensive language training should be provided);

ITAs are authorized only for training programs listed on the [Eligible Training Provider \(ETP\) list](#), as required in WIOA Section 134(c)(F)(iii). ITA funds are paid directly to the training provider using RWS fiscal system.

ITAs may be used for pre-apprenticeship programs however, only pre-apprenticeship programs listed on the ETP list may be approved. (Proposed 20 CFR 680.330(a))

ITAs may be authorized for training programs in other states or online training if the training program is listed on the ETP list or there exists reciprocity agreements with other states.

The participant and Talent Development Specialist must review, discuss and sign the Greater Lincoln WIOA *Participant Training & Tool Agreement Form*. This document must be uploaded into ECM with the completed *Individual Training Account Funding Agreement Form*.

- **ITA Obligations:**

In order to obligate ITA funds ITA Obligation may be written for individuals identified to receive an ITA award. The obligation would document a three-way commitment between the individual, the RWS, and the training institution.

- **ITA Funding Limit**

The limit for ITA contracts is \$7,000. The maximum ITA limit is not an entitlement. The amount and duration of each participant's ITA award is determined on an individual basis. Funding amounts will consider the total

costs of the selected training program, any other financial assistance available to the participant, and the WIOA funding available. An ITA may fund prerequisite training to a vocational training program if it is required by the educational institution.

- **ITA Continued Funding**

Continued funding of an ITA is contingent on availability of WIOA funds and on the participant's satisfactory progress in school. Talent Development Specialists will review the participant's training progress and expenses quarterly or more frequently depending on the training institution's schedule. An individual's progress will be considered satisfactory upon earning:

- A grade point average that does not fall below 2.0 for two consecutive terms; or
- A grade point average sufficient to graduate from, or receive certification in, the individual's approved area of study; or
- Sufficient credit hours to finish the approved course of study within the timeframe established under the approved training plan.
- In the case of self-paced or ungraded learning programs, satisfactory progress means participating in classes and passing certification examinations within the timeframe established under the approved training plan.

Talent Development Specialists must arrange to receive training progress reports (i.e. transcripts) from participants in adequate time to process the subsequent tuition payment.

Talent Development Specialists must develop with participants who are not earning satisfactory progress in their coursework, a service strategy to overcome the barriers impacting progress. WIOA ITA funding may be terminated if participants do not earn satisfactory progress for two (2) or more consecutive school terms (i.e. quarters, semesters, etc.).

ITA Modification

An ITA may be modified to ensure the individual attains their educational goals and subsequent employment. In some circumstances, such as when a program of training is removed from the ETPL, or when extraordinary program expenses develop, the participant and Talent Development Specialist must agree on whether to complete the plan of training with the existing provider, seek a similar program, or discontinue training. The student would have the option to continue in the program at their own expense. Costs incurred while the provider/program was eligible would not need to be repaid. Any modifications to the ITA should be documented in case notes located in Neworks.

Dropped Classes

This drop add policy is based on the Greater Lincoln Workforce Development Board and is our policy for ALL classes. Please explain this to all schools we partner with!

Should the participant not complete the program for any reason, the standard refund policy of the training provider institution shall apply, and the resulting refund shall be applied to the program funds from which the original obligation was made.

A 100% refund for any credit class officially dropped prior to 12.499% of the time elapsed since the first day of the start of class, including Saturdays, Sundays, holidays, and weekdays. Talent Development Specialist must verify that participants are attending classes before the refund window closes.

“NO” refund is allowed after 12.500% of time has elapsed since the first day of the start of class, including Saturdays, Sundays, holidays, and weekdays. A student’s transcript will not show any registration data if the student drops prior to 12.499% of the time elapsed since the first day of the start of class, including Saturdays, Sundays, holidays, and weekdays. Refunds are not automatic. To obtain a refund or an “Official Drop/Add Form for Credit Classes” must be submitted prior to the deadline for dropping and receiving a refund. Refunds will not be granted after these deadlines. Non-Credit classes are eligible for a refund if class is dropped one day before start date.

NOTE: Greater Lincoln will not pay for the same class more than once!

- **ITA Participant File Documentation**

Justification for, and continued funding of an ITA must be supported by the following documentation located in the participant file and/or in case notes entered in NWorks:

- a) Assessment results supporting the selected program of study. The Work Values and Career Pathway assessments must support the need for training including a determination by a case manager that the participant will be unlikely or unable to obtain or retain employment *that leads to* self-sufficiency or higher wages from previous employment through career services alone; and that the selected program of study will result in employment *leading to* economic self-sufficiency or wages comparable to or higher than wages from previous employment;
- b) Completed ISS documenting the selected program of study, anticipated and actual start/end dates and training outcomes;
- c) Eligibility for other training grant funding;

- d) Verification of FAFSA application and award status, if applicable.
Authorization of the ITA and any approved increase or modification;
- e) Documentation of the participant's willingness and ability to travel to locations outside of Lancaster and Saunders Counties if the selected training program and/or demand occupation is outside of the local area;
- f) Case note documenting that the training provider is on the Eligible Training List; and
- g) Documentation of the participant's progress and/or grades

Section 2.9: On-the-Job Training (OJT) program

Section 2-29 On-the-Job Training (OJT) program

The term "on-the-job training" means training, under a contract, by an employer or the sponsor of a Registered Apprenticeship program that is provided to a paid participant while engaged in productive work in a job that:

- A. Provides knowledge or skills essential to the full and adequate performance of the job;
- B. Provides reimbursement of a percentage of the wage rate to the employer for the extraordinary costs of providing the training and additional supervision related to the training; and
- C. Is limited in duration to the time necessary for a participant to become proficient in the occupation for which they are receiving the OJT training, taking into account the skill requirements of the occupation, the academic and occupation skill level of the participant, prior work experience, and the individual employment plan. The maximum number of hours for an OJT must not exceed 1,040 hours (six months).
- D. OJT is intended for unemployed participants, but OJT contracts may be established for eligible workers if the worker is not earning a self-sufficient wage comparable to or higher than wages from their previous employment. Self-sufficiency will be determined by comparing the income needs of families by family size, the number and ages of children in the family, and sub-state geographical considerations.
- E. Priority for OJT must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. Please refer to the GL Board policy on Priority of Service.
- F. OJT must relate to one or more of the following factors:
 - introduction of new technologies
 - introduction to new production or service procedures

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- upgrading to a new job that requires additional skills
- workplace literacy
- other appropriate purposes identified by the local board.

Work Opportunities Tax Credit (WOTC): For employers to receive a tax credit under these programs, the application for such credit must be forwarded to the Nebraska Department of Labor Office of Employment and Training on or before the start date of the job. Even though the one-year clock for WOTC starts on the first day of the OJT, the employer cannot claim a tax credit until the contract is completed. Questions on WOTC should be referred to the Nebraska Department of Labor Office of Employment and Training at (402) 471-2693.

EMPLOYER ELIGIBILITY

OJT contracts may be entered into with private-for-profit businesses, private non-profit organizations, and public sector employers prior to a participant starting the new job. Employers receiving OJTs are exempt from the Eligible Training Provider List requirements. With successful completion, it is expected the employer will retain the participant after the training period. Under WIOA Title I, OJTs must not be entered into with an employer who has received payments under previous contracts under WIOA if the employer has exhibited a pattern of failing to provide participants with continued long-term employment as regular employees with wages and employment benefits (including health benefits) and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.

Registered Apprenticeship

OJT contracts may be written with registered apprenticeship programs or participating employers in registered apprenticeship programs for the OJT portion of the registered apprenticeship program only, not the related instruction component.

Pre-Award Reviews

A pre-award review is conducted prior to contract execution. Service Provider staff will determine if the employer meets the requirements for OJT. Pre-award reviews become a part of the OJT contract and provide the necessary documentation in these areas:

- Proof of whether the employer is a new or established business is required. If the company has operated at the current location less than 120 days and the business relocated from another area in the U.S., the Service Provider must verify that employees were not laid off at the previous location as a result of the relocation.
- Review and discussion of the Employer Assurances and Certifications for On-the-Job Training form by local area staff with the employer, either in-person or by phone.
- The employer size, meaning number of employees currently employed at the local operation where the OJT placements will be made, must be documented. When substantiating the employer count, the most current Labor Market Information (LMI)

may be a source to consider and may be obtained by the Service Provider from NEworks. Employer size is determined by the number of employees at the time of the pre-award review. This applies to all employers, including employers with seasonal or intermittent employee size fluctuations.

- Determination if the applicant has worked for the employer at any time in the past, and if so, the dates and circumstances are required. Individuals shall not be considered eligible for services with the same employer in the same occupation.
- Description of the hiring practices of this employer in general, and for this position, is included.
- Determination if the applicant is related to the employer or an employee who works for the employer in an administrative or supervisory capacity is required.
- Calculation of the employer's rate of employee turnover, and the turnover for this position is included. Contracting with employers who have high employee turnover rates should be avoided. The Service Provider is expected to define and document in writing high turnover rate based on local conditions, industry sector and occupation.
- If the employer has incurred any layoffs in the past 12 months and the Service Provider must check to be sure no Worker Adjustment and Retraining Notification Act (WARN) notices have been filed.
- Determination is needed to define if the position is full- or part-time, and if permanent, temporary, or seasonal. Contracts shall not be established for positions that do not or cannot have a trainer or supervisor present, or for temporary positions that are supplied to employers by temporary employment contractors.
- Evidence if the position is covered by a collective bargaining agreement is collected, and if the training is consistent with such agreement.
- Notation is added if there have been any OSHA, wage and hour, or child labor law violations in the past year.
- If there has been any substantiated Equal Opportunity complaints, the Service Provider is expected to consult with the local EEO Officer for input.
- Inclusion of minimum qualifications for the position, and a written job description is required.
- The Service Provider must determine if the pay and benefits are equivalent to similar positions in the local labor market and/or similar positions with the employer.
- Evidence of the employer providing worker's compensation or accident insurance is a requirement.
- Determination must be made by the Service Provider if the employer's accounting system (especially payroll), personnel system, grievance system, etc., are adequate to

administer the contract agreement.

- If the employer is presently disbarred or suspended from receiving federal contracts that will be a disqualification by the Service Provider.

On-the-Job Training Contract Requirements

OJT contracts shall be procured in accordance with all federal, state and local procurement policies and at a minimum shall contain or address the following information:

Employer Assurances and Certifications: Signed Employer Assurances and Certifications for On-the-Job Training form is part of the OJT contract. If the employer has signed an Employer Assurances and Certifications for On the- Job Training form and an OJT contract within the preceding six (6) months, the employer is not required to execute a new Employer Assurances and Certifications for On-the-Job Training form.

Occupation(s) For Which Training Is To Be Provided – Training will be provided only for those occupations that are in-demand in the area served, or in another area to which the trainee is willing to relocate, **The following is currently under review by the board** : or for occupations that provide a self-sufficient wage and a career pathway for advancement. The GLWDB recognized the following industries at their full Board meeting on 10-26-17: Advanced Manufacturing, Business & IT, Healthcare, Insurance/Finance, Life Sciences/Agriculture, and Transportation and Logistics. **(correct as of 5/19/2020)**

Length of Time for Training: The length of OJT in Greater Lincoln shall be based on the skill gap assessment. Skill gap occurs where there is a gap between the skills of the individual and the skills needed for the targeted job. The skill gap is detailed on the Length Determination Form. Initial skills of the participant as determined by recognized skill assessment tools, not just educational attainment. Some assessments are:

- Industries: Competency Model Clearinghouse at <https://www.careeronestop.org/CompetencyModel>
- Occupations: O*NET **Online** at <https://www.onetonline.org/> that includes Occupational Competency Profiles which contain tasks, knowledge, skills, abilities, detailed work activities.
- Certification Finder: Certification Finder at <https://www.careeronestop.org/toolkit/training/findcertifications>

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Determine Length of Training:

Duration must be limited to the period of time required for a participant to become proficient in the occupation for which the training is being provided. In determining the appropriate length of the contract, consideration should be given to the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience and education, and the participant's individual employment plan (IEP) or Individual Service Strategy (ISS). Separate classroom training may be provided by the employer and documented on the OJT Training outline. **PENDING BOARD APPROVAL:** The expectation is that the participant will be placed in full-time employment, meaning a minimum of 35 hours per week.

Calculating Training:

Obtain the job description and training outline from the employer.

SVP Codes **and the** OJT Length Determination Form are **compared to the employers estimate of training** hours for the position. Steps to calculate include:

Compare SVP **information and OJT Length Determination form, including adjustments for work experience and formal education, to the employer's** estimated training length.

Note: The following should be used only as a guide to determine a reasonable training length in conjunction with the employer estimated training length. Occupation specific SVP codes can be found at onetonline.org.

SVP Code	Maximum Training Hours
2	160
3	320
4	480
5	640
6	800
7	960
8	1040

Indicate whether the trainee does or does not possess the skills needed to be proficient in the occupation. Trainees determined to be fully proficient are not eligible for OJT.

Wage/Benefit Requirements:

Wage Rate To Be Paid To The Trainee and Wage Reimbursement Cap Individuals participating in on-the-job training must be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills. The rates may not be lower than the higher of the federal or state minimum wage.

The employer-reimbursement rate is applied against the participant's wage rate

In addition, participants in OJT must be provided benefits and working conditions comparable to those of other trainees or employees working a similar length of time and doing the same type of work for the employer.

Total reimbursement to employer is not to exceed \$7,000.00.

Reimbursement for On-the-Job Training OJT

Reimbursement of wages to employers is deemed to be compensation for the extraordinary costs associated with training participants and potentially lower productivity of the participants while in the OJT. Typically, the reimbursement rate may be up to 50 percent of extraordinary costs. Businesses with over 200 employees in the local area can receive up to 50% reimbursement.

Businesses with 1 – 200 employees in the local area may receive up to 75% reimbursement. The higher rate of reimbursement available to smaller businesses offsets the fact that, due to having fewer employees, small businesses have a higher percentage of their staff costs going to providing the training and fiscal reporting required for OJT contracting. Also, due to having fewer employees, the costs associated with the lower productivity of the participants may place a proportionately larger burden on productivity in general.

To receive reimbursement, employers must submit:

- OJT Reimbursement form & Training Outline that includes a comprehensive list of work skills the trainee will learn during the contract period.

Accurate and Complete Time and Attendance:

Reimbursement requires submission of monthly payroll report to the Business Service Representative by the 15th of following month. This payroll report supports the participants hours claimed by the employer.

A. **Monitoring**

Monitoring visits must be completed for ALL OJT that are beyond 30 days using the OJT Training Plan Agreement. Upload completed monitors into ECM. To ensure the program of training is meeting the needs of the participant, the expectation of the training provider and the items outlined in the training plan, the Business Service Representative is required to monitor the training service on a monthly basis. The purpose is to evaluate the progress to date and to identify issues that may be a concern to any party to ensure a successful training. The initial monitor should include the Business Service Representative, employer and participant in person or by phone with all parties in attendance. Additional monthly monitors can be completed by phone, email, or in-person as appropriate. All correspondence and determinations must be documented in NETWORKS case notes.

B. **Re-contracting Procedures:**

Prior to re-contracting with a service provider, a review process of past performance of that service provider will take place. A criteria checklist will be used to determine whether to use an employer as a training site for an OJT.

- Does an employer consistently meet training goals and provide adequate training in key skill areas to be learned on the job?
- Is there a pattern of transition of trainees to employment at the end of a contract, not including those terminated for good cause as identified. (After at least 3 contracts, at least a 65% retention rate).
- Is there a pattern of retaining an employee who completed training past the 90-day follow-up? (After at least 3 contracts, at least a 65% retention rate).
- Is there evidence of good safety procedures/conditions in place? Does the company do training as stated in the Hazardous Materials Act? (Businesses will be toured prior to development of a contract to determine above).
- Has the employer in past contracts cooperatively provided documentation needed in a timely manner to meet monitoring and auditing needs?

- If a contractor refused to provide necessary auditing or monitoring information, such as payroll records, time sheets/cards, etc., no additional contracts will be written.
- If the employer in the past, has not cooperated and if conditions have changed, i.e., management, personnel or procedures, this may warrant another trial contract to be negotiated.
- After any allegation that an employer has failed to provide adequate training in key skill areas as called for in the contract, the program supervisor/designee will meet with the employer to address the problem. If the allegation can be substantiated and cannot be resolved satisfactorily, no additional contracts will be written until a resolution occurs.
- When, after touring a prospective training site, unsafe working conditions are found to exist, or safety procedures are not in place, or they do not seem to follow the Hazardous Materials Act, administrative entity staff will discuss the problem with the contractor. If the contractor agrees to rectify the problem by developing safety procedures or removing the unsafe or unsanitary working conditions the contract could be written. If a subsequent check indicates that no effort is being made to address the problem, no additional contracts will be negotiated until all safety concerns are fully resolved.
- When after a minimum of 3 contracts an employer fails to meet a 65% retention rate (except those terminated for good cause) at the completion of the contract or follow-up, no additional contracts will be written. (Examples of good cause are: absenteeism, disciplinary problems, lack of progress, etc.).
- When after it has been conclusively proven that an employer had intentionally altered claim forms, time sheets, payroll records, evaluation or other records to defraud the program of funds, no additional contracts will be written.
- An employer that has been excluded from OJT contracting because of the requirement described above may again be considered for an OJT placement one year after that sanction was imposed. In this re-contracting situation, if the employer fails to retain the participant after the OJT ends, and there is no apparent cause for dismissing the employee, the employer will not receive any future OJT contracts.

2.10: Apprenticeships

According to the National Apprenticeship Program brochure -"Apprenticeship, in simplest terms, is training in occupations that require a wide and diverse range of skills and knowledge, as well as maturity and independence of judgment. It involves planned, day-by-day training on the job and experience under proper supervision, combined with related technical instruction."

Title 29, Code of Federal Regulations, Part 29.4 defines an apprentice-able occupation as a skilled trade which possesses all of the following characteristics:

- It is customarily learned in a practical way through a structured, systematic program of on-the-job supervised training.
- It is clearly identified and commonly recognized throughout an industry.
- It involves manual, mechanical, or technical skills and knowledge that require a minimum of 2,000 hours of on-the-job Work-Based Learning.

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- It requires related instruction to supplement the on-the-job training. Such instruction may be given in a classroom, through correspondence courses, self-study, or other means of approved instruction.

State Contact:

Nebraska State Director U.S. Department of Labor Bureau of Apprenticeship and Training

222 S. 15th St., Suite 504-C Omaha, Nebraska 68102

Phone: 402-221-3281 Fax: 402-221-3226

A: Eligibility

Applicants for the apprenticeship training program must be at least 16 years old. If applying to be an apprentice in a hazardous occupation, individuals must usually be at least 18. The apprenticeship program sponsor may have additional requirements to ensure the applicants have sufficient ability, aptitude, and education to master the basics of the trade/occupation and to satisfactorily complete the related theoretical instruction required in the program. In addition to the completed application form, each prospective apprentice may be required by the sponsor to submit a transcript of school subjects and grades, proof of age, honorable military discharge (if applicable), and high school diploma or equivalency certificate (if applicable.) Although no previous experience is necessary to become an apprentice, some sponsors may require references from previous employers.

B: Apprenticeship Program Sponsors in Nebraska:

Organizations which apply for apprenticeship sponsorship enter into an agreement with the Federal Government or appropriate State Government to operate their proposed programs consistent with 29 CFR Parts 29 and 30. An outline of on-the-job training tasks and an outline of the curriculum for the required trade instruction are part of this agreement. A listing of apprenticeship program sponsors recognized in Nebraska can be viewed at <http://bat.doleta.gov/>.

C: Eligible Providers of Training Services:

Entities that carry out programs under the National Apprenticeship Act must meet the requirements specified in WIOA Section 122, the final implementing regulations, and the State "Eligible Training Provider Policy" to be certified as an eligible provider to receive WIOA adult and dislocated worker funds through ITAs.

D. Length of Apprenticeship:

Many apprenticeship programs take 2 - 4 years to complete. It is important to keep this in mind when enrolling an older youth participant. An extension may be needed in some cases to prevent an exit until they have completed their apprenticeship program or are able to successfully complete on their own.

Section 2.11: Work-Based Learning

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Work-Based Learning (WBL) is an intensive service that is a planned, structured learning experience. Its purpose is to provide a short-term or part-time work for a client who needs assistance in becoming accustomed to basic work requirements. Work-Based Learning is designed for individuals who have never worked or have been out of the labor force for an extended period. WE is intended to allow clients to develop, learn and practice good work habits and basic work skills.

A: Limitations:

WIOA clients are limited by hours and/or length of each Work-Based Learning opportunity.

TDS must request additional Work-Based Learning hours over the 500-hour total by email. The email must contain an explanation of why the additional hours are needed in order to continue, i.e., Participant needs additional hours to work on their customer service skills. The request must specify how many additional hours are needed for the participant to accomplish the additional skill level.

B: Summer Youth Exception:

A maximum of 240 hours of Work-Based Learning is allowed each program year for WIOA summer youth programs which link Work-Based Learning and academic learning. Summer youth program hours do not count against the program limitations in paragraph 3 above.

C: Worksite Agreement:

Once a worksite is selected, the BSC will complete a Worksite with the worksite supervisor and provide an orientation of the program. The orientation will include WE timesheets, instructions on its use and timelines for its submission. The original copy of the Worksite Agreement will be maintained in the client e-file and the worksite will retain a copy.

D: Client Orientation:

The client will be provided an orientation of the worksite including work rules or policies and the WE payroll system. The client must complete the following:

- W-4 Form
- I-9 Form
- WE Internship Consent Form
- 2 Forms of ID (copies front and back)
- Direct Deposit Form (voided check)

The above paperwork needs to be submitted by email to corporate HR Specialist two days prior to the client start date.

E: Payment Procedures

WE clients are considered employees of the ResCare Workforce Services and will receive a wage of \$10.00 per hour, unless documentation exists to support a higher wage.

The WIOA program and not the worksite cover payroll, Social Security and Workers Compensation expenses.

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WE clients do not receive sick leave, holiday pay, and vacation time or overtime and may work no more than 40 hours per week.

WE clients may be paid for hours worked on a holiday if the Case Manager verifies with the worksite supervisor that the worksite was operational, and the hours were in fact worked. The WE payroll is biweekly. After the WE timesheet is signed by the client and worksite supervisor and submitted to ResCare, the signed WE timesheet, complete with the client name, client signature and supervisor signature, will be sent to the ResCare Finance person no later than 9:00 a.m. on the following Monday of payroll week (except where holidays occur and payroll deadline is moved back).

F: Lost or Stolen Paycheck

Upon notification of a lost or stolen paycheck, the BSC will notify the ResCare Finance person. ResCare Payroll will issue an Affidavit form that the client will need to complete. When the Affidavit is completed, it will be sent to ResCare Payroll to initiate a duplicate payment. A waiting period of 10 days, from mailing date, is required prior to submission of the Affidavit.

G: Workers Compensation

Workers Compensation insurance for WIOA clients is provided through the ResCare's Risk Management Division. If serious injury or illness, call 911 or go to the nearest hospital. Within 24 hours of the injury/illness, the worksite supervisor needs to complete the ResCare "Report of Alleged on the Job Injury or Illness" form and the "Employee Injury or Illness Report" form. Turn these forms into the Project Director.

Section 2.12: GENERAL INFORMATION ON TRAINING SERVICES & BEST PRACTICES

- ITA's do not apply to OJT's, therefore all costs associated with the OJT do not apply to the costs associated with an ITA.
- A client may be simultaneously enrolled in an OJT and an OST activity.
- There is no policy or regulation prohibiting you from entering into an OJT contract with a federally funded employer as long as the work is not for public service.
- After an interview, evaluation, assessment, or case management and before deciding on training, the TDS must ask these questions:
 1. Has the participant met the qualifications to be eligible for training services and has he/she been determined to be unable to obtain or retain employment?
 2. Does the participant have the skills and qualifications to successfully complete the selected training program?
 3. Is the program of training services directly linked to in-demand employment opportunities either in the local area or in another area to which the individual is willing to relocate?
 4. Is there another funding source willing to pay the costs of the training, including such sources as State-funded training funds, Trade Adjustment Assistance and Federal Pell Grants?

Section 2.13: GENERAL INFORMATION ON TRAINING SERVICES RESOURCES

The following forms are required to be used when delivering OST services:

- ITA Funding Agreement
- Determination of Need
- Demand Occupation
- Participant Training & Tool Agreement
- ITA Voucher

The following forms are required to be used when delivering an OJT:

- OJT Pre-Award Review
- OJT Contract and Conditions
- OJT Training Plan
- OJT Training Related Education Outline
- OJT Length Determination Form Approvals

Approvals are required for the following actions related to the delivery of training services for Out of School Youth:

Action	Required Documents	Approval
Exceed the \$7,000 ITA Limit	Client Name and State ID and; Justification for the request referencing the client's current circumstances and; Updated ISS Plan	ResCare Project Director
Exceed 36 Month Time Limit	Client Name and State ID and; Justification for the request referencing the client's current circumstances and; Updated ISS Plan	ResCare Project Director
Two Consecutive Terms Below a 2.0 GPA or cumulative GPA below 2.0	Client Name and State ID and; Justification for the request referencing the client's current circumstances and; Updated ISS Plan	ResCare Project Director

Section 2.14: SUPPORTIVE SERVICES

Support services may only be provided to participants who are:

- Participating in Youth Services; and
- Are **unable to obtain the services through other programs** which provide such services; and
- These services may only be provided after it has been determined such services are necessary to enable the client to participate in Title I, WIOA) activities.

Determinations to provide supportive services, which do not meet these criteria, will, likely, be questioned by an audit review or monitor review. In all cases, the service provider representative must fully document their determination of need and the determination must be a part of the participant file.

Assessment of Need and Documentation:

- i. Assess the participant's need for supportive services (Completed
- ii. Complete a Determination of Need form: Document the efforts made to contact and coordinate with available partners, unless there is a relevant DON form filled out in the past 6 months.
- iii. Complete a Budget: A budget must indicate a participant's total monthly income compared to total monthly expenses and **demonstrate a need** for support and inability to pay for requested service. Please use the "notes" section on the budget form to explain need. A new assessment must be completed when a supportive service need is identified if:
 - a. No assessment has been completed in the past 6 months.
 - b. Participants situation changes significantly since last assessment.

Note: Recipients of Public Assistance are exempt from the financial needs' assessments outlined in ii. and iii. above, unless their public assistance status has changed at the time that a supportive service need arises. Proper documentation to verify receipt of Public Assistance must be on file.

- iv. Develop a plan on how the participant will support a part or all of the expense moving forward

* Potential sources for other funding must be used prior to WIOA funds and may include state-funded sources, Pell Grants, or Trade Adjustment Assistance (TAA). Note: WIOA funds may be used prior to using Veterans Education Benefits through the Veterans Administration,

For Youth, follow-up career services are a qualifying service for the receipt of supportive services.

PROVISION OF SUPPORTIVE SERVICES

Costs for supportive services must be allowable, reasonable, and necessary. Supportive services may include, but are not limited to:

- Assistance with transportation includes ride share, mileage reimbursement of \$.50 per mile, car liability insurance, bus passes, driver's license fees, Uber, and taxis.
- The individual must meet **all** of the following criteria for use of a personal vehicle in order to be eligible for mileage reimbursement or car repair.
 - a) The vehicle must be registered to the customer through the Nebraska Department of Motor Vehicles (DMV).

- b) The vehicle must be currently insured with the appropriate vehicle insurance coverage.
 - c) The customer must possess a current, valid Nebraska Driver's License.
- Vehicle repairs shall be paid or reimbursed only when **all** of the conditions are met:
 - a) The cost of the repairs requested does not exceed 80% of the vehicle's **private sale** Kelly Blue Book value;
 - b) All vehicle repairs requires a minimum of two estimates from local vehicle repair businesses.
 - c) The repair does not include preventive maintenance.
- **Mileage Reimbursement Requirements:** Mileage reimbursement is available for participants who must commute to and from a work site or training site for which no other form of transportation is available.
 - a) Mileage reimbursement is allowed during the first 30 days of unsubsidized employment to support the participant in retaining employment until their first pay-check is received. "Map" mileage and completed mileage reimbursement forms are required for payment; or if a financial need is justified.
- Assistance with childcare and dependent care: Childcare assistance may be provided by a licensed day care provider to participants who are not able to participate in WIOA programs without such assistance. This includes participants who are in danger of dropping out or making less than satisfactory progress due to unsatisfactory or unreliable childcare arrangements.
- Assistance with housing. The assistance may include cost for rent, mortgage payment, and utilities.
- Assistance with educational testing.
- Medical Services: Supportive service assistance is authorized for healthcare and medical services. This assistance is not intended to cover the costs of major issues such as major surgery or major dental care and is not intended to encourage visits to healthcare centers or doctors for minor illnesses such as flu, colds, etc. for which the participant would not normally seek medical attention. Reimbursement claims for providing this assistance must include the name of the participant, the type of assistance provided, the providers completed W-9 Form.
- Assistance with uniforms or other appropriate work attire (including required dress code attire) and work-related tools, including such items as eye glasses and protective eye gear.
- Assistance with books, fees, school supplies, and other necessary items for students enrolled in post-secondary education classes.
- Payments and fees for employment and training-related applications, tests, and certifications.
- Legal aid services.

Additional Information on Supportive Services

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- approval of supportive services must be in place prior to expending supportive services funds or instructing a participant to expend funds for reimbursement at a later date.
- Supportive Services funds cannot be expended or reimbursements made for goods or services received or purchased prior to enrollment and participation in WIOA.
- TDS shall make every effort to enter into direct vendor agreements for provision of supportive services and may only provide direct payments/reimbursement to participants in cases where a vendor agreement could not be obtained. Documentation showing that every effort was made to secure direct payment to the vendor before resorting to reimbursement to participant. A W-9 must be provided by the vendor before payment is processed. Direct payments to participants must be the method of last resort for provision of Supportive Services.
- A Service Authorization Form and Original receipt or payment/billing statement, **that is signed by the participant**, is required for all supportive service expenditures. The authorization must be approved by ResCare Project Director or authorized Quality Assurance staff.
- Participants receiving supportive services must have the appropriate supportive service activity code open in NEworks with appropriate projected start and end dates, as well as actual start and end dates **updated when they become known**.

Supportive services do have cost and time limitations, but in some instances may be exceeded with the approval of the ResCare Project Director. The request for approval to exceed the limitations must be completely justified.

PLEASE NOTE THE REST OF THIS SECTION IS TEMPORARY DUE TO COVID-19 AND IS IN EFFECT UNTIL JUNE 30, 2021:

Due to current economic conditions, the Board has decided to incorporate Needs Related Payments (NRPs) into the Supportive Service options for the current WIOA Program Year only. NRPs are a supportive service authorized under WIOA Sec. 134(d)(3) and 20 CFR 681.570 that provide financial assistance to Adult, Youth (ages 18-24), and Dislocated Worker participants. Participants must meet the applicable eligibility requirements described in subsections (1) or (2) below.

(1) Youth eligibility: Youth (and Adults) (18-24) must meet criteria 1 through 3 in order to receive NRPs:¹

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1. Be unemployed;
2. Not qualify for, or have ceased to qualify for, unemployment compensation; and
3. For Adults, be enrolled in a program of training services under WIOA sec. 134(c)(3).

The maximum amount allowed, subject to the limitations set forth above, is \$850.00 per participant for no more than twice during the term of enrollment. The Coordination of Assistance Form must be completed to show that assistance is not otherwise available from other resources.

The Board has set a per participant limit of up to \$4,000 for all supportive services combined.

The Needs Related Payments provided for in this revised policy will expire once the current WIOA Program Year expires, which will take place on June 30, 2021. At that time, Needs Related Payments shall revert to \$0 and Total Supportive Services shall revert to \$3,500 unless the board re-authorizes Needs Related Payments and re-authorizes an increase in Total Supportive Services.

Below is a listing of supportive services:

Cost Limitation per Supportive Service

Service	Limit
• Total Supportive Services	• \$4,000
Categories	
Mileage Reimbursement	\$0.50/mile
Gas Card	N/A
Car Repair	N/A
Car Liability Insurance	N/A
Bus, Taxi, & Ride Share Fares	N/A
Housing & Utilities	N/A
Child Care (Title XX Preference)	N/A
Dependent Care	N/A
Health/Medical Services	N/A
Protective or other Clothing, Tools & Equipment	N/A
Education related application fees, testing, certifications, books, supplies, and other costs	N/A
Legal Aid	N/A
Needs Related Payments	\$850.00 per participant; no more than twice during enrollment

The board recognizes that some circumstances may warrant a need to exceed the total limit.

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Such decisions are to be made on a case-by-case basis by the Service Provider Manager and documented in the participant's file to include information on the situation and reason for making an exception to exceed the limit.

References

The WIOA Sections 3(59) and 134

The WIOA Final Rules and Regulations 20 CFR:

20 CFR 680.900

20 CFR 680.930 through 20 CFR 680.970

Section 3.0: Exit

An **EXIT is defined** for the purpose of performance calculations, as the point after which a participant who has received services through any program meets the following criteria:

- For the adult, dislocated worker and youth programs authorized under WIOA Title I, the exit date is the last date of service.
- The last day of service cannot be determined until at least 90 days have elapsed since the participant last received services; services do not include self-service, information-only services, activities, or follow-up services.

Once an Adult, Dislocated Worker, Youth participant has not had a staff-assisted service in NEworks for 90 consecutive days that impacts the participation period the exit date will be retroactive to the last date of service.

However, if the individual is enrolled in another program in NEworks such as Wagner-Peyser or Trade the exit date will be the last date of service from any of these programs. Consequently, the exit date may NOT be the same date as the closure date from WIOA.

Services do not include self-service, information-only services or activities, or follow-up services. This also requires that there are no plans to provide the participant with future services.

Other reasons for exit that exclude someone from performance and follow up:

Performance Exclusions:

- The participant exits the program because he or she has become incarcerated in a correctional institution or has become a resident of an institution or facility providing 24-hour support such as a hospital or treatment center during receiving services as a participant.

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- The participant exits the program because of medical treatment and that treatment is expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in the program.
- The participant is deceased.
- The participant exits the program because the participant is a member of the National Guard or other reserve military unit of the armed forces and is called to active duty for at least 90 days.
- The participant, who was determined to be eligible for program services, is later determined not to have met the program's eligibility criteria. This exclusion applies only to the VR program, in which participant eligibility is routinely revisited during the participation period. For example, in the VR program, an individual may be presumptively eligible in accordance with program regulations and later the individual is found to be too severely disabled to benefit from VR services. As another example, a participant may decide, after receiving some services, to pursue sheltered employment. Because an individual must pursue an employment outcome, and sheltered employment does not meet the definition of an employment outcome for purposes of the VR program, this individual would be determined to be no longer eligible for the VR program. For titles I, II, and III, program eligibility is determined at the time an individual becomes a participant and such eligibility is not revisited during the individual's participation in the program.

Section 3.1: Follow-Up

WIOA Youth Program follow-up services must be made available to all participants enrolled in the youth programs for a minimum of 12 months after the first day of unsubsidized employment. Examples of WIOA Youth follow-up services include:

- Career planning and counseling
- Assistance with work-related problems
- Required contact with the participant's employer
- Peer support groups
- Supportive service referrals
- Information regarding educational opportunities

It is important to reiterate that follow-up services are provided to ensure the participant is able to retain employment, realize wage increases, and facilitate career progression. The intensity of follow-up contacts vary based on the needs of each individual and appropriate services to help in facing challenges that come up on the job, in college, or in occupational skill training will be provided.

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A NEworks Case Closure occurs once all WIOA Services have concluded. A NEworks Exit occurs when no WIOA Services and/or Partner Services have occurred for 90 days or are scheduled to occur.

Follow-up services begin once a NEworks Exit occurs. Since there is the possibility that the WIOA Case Closure and WIOA Exit might not occur on the same date, TDS are encouraged to maintain contact with clients at least on a monthly basis until follow up begins.

Follow-up services should be directed to ensure that the participant successfully meets their planned outcome goals and to insure successful outcomes on the WIOA performance measures.

Remember that a contact attempt is not follow-up! Look for alternate methods for contact.

What can we do to make sure that we have their alternative contact numbers?

Are we using other ways communication than calling?

Are we using Facebook, Twitter, Instagram?

Follow-up can be offered or rather should be offered one-on-one and with group activities.

Group Activities can be effective.

Follow-up should immediately after the last service ends. First month of transition or even the first few weeks are critical for youth's success.

If a participant refuses follow-up services, staff needs to document the refusal with a case note in NEworks. Therefore, verbal or written contact by staff with a participant or their employer merely to confirm the participant is still employed is not necessary or appropriate unless supplemental employment information is needed for performance outcome documentation.

A. Frequency of Contacts

The frequency of follow-up should align with the needs of the individual and the minimum contacts listed below; each participant will be asked how often they would like to be contacted and staff contacts will be initiated according to whichever is greater. Additional contacts will occur if the youth initiates them or if staff identifies a need for them.

B. Minimum required contact:

Within one month of closure, and at least every 30 days for 12 month follow-up period. If unable to contact, case note attempts.

Section 3.2: ENTERING ACTIVITIES

Entering activities with NEworks.

The available options in the Customer Program Group drop-down list are populated based upon the individual's previously determined eligibility. Your selection in this field determines available options for activity codes and fund streams.

A. Enrollment Information

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Check the WIOA Title II – Partner program checkbox if this activity is being provided by a WIOA partner. WIOA Title II programs provide adult education and literacy instruction. If Yes is selected, it indicates that the funding for the activity is being provided by the partner program and no fund tracking will occur, and you will be prompted to Select a Partner from the drop-down list to choose from a list of WIOA Title II partners.

Partners include: Voc Rehab, National Able, Ponca Tribe, ABE, WP

Section 3.3: E-File

E-File for purposes of this policy, and all programs related to this policy, will refer to a program applicant's file comprehensively stored in an electronic format. The program application, related activities, case notes and all other relevant individual/entity information are captured and stored solely in NWorks, while all documentation and eligibility verifications specific to each applicant are scanned and stored in the Enterprise Content Management (ECM) system.

The contents of an individual, or entity, E-file shall be determined based on the requirements of each distinct program. Accepted methods for producing an e-file consist of:

- Scanning and importing a document into ECM
- E-forms developed in accordance to their individual workflows
- Extracting images from other state agency e-file programs

A: Roles & Responsibilities

All legal and verification documents will be scanned, imported, reviewed, and saved by the Program Staff personnel, at the time the verification is conducted as stated in the Nebraska Department of Labor NWorks, Electronic Case Management and Enterprise Content Management Policy.

B: Communication Workflow - The assigned a Regional Expert who has been fully trained in the ECM process. Any system and scanning inquiries should first be communicated to the Regional Expert. If the Regional Expert is unable to resolve an issue, it will be the responsibility of the Case Manager to then present that issue to the ResCare Project Director. A list of Regional Experts is located on the Staff Online Resource page of NWorks.

C: ECM Access

ECM access for all users shall be requested via the Nebraska Department of Labor NWorks/ECM – Access Request Form. This form must be completed and submitted to the Office of Employment and Training. If approved, confirmation will be provided to the requesting manager along with initial login credentials. Access to the ECM system using the link provided by NDOL and will do so using their own personal and unique login information. Login information is not to be shared with any other personnel in accordance with the Confidentiality Policy.

D: Scanned Image Legibility

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Any and all pertinent documentation that is scanned is required to be legible in view and printed form. Illegible images must be removed, and the document must be rescanned until a image has been captured.

E: Deleting Images

Under no circumstances will personnel be allowed to delete an image that has already been saved to an applicant's electronic file. The process of deleting an image that has already been saved to an applicant's electronic file can only be performed by the System Administrator. Requests to delete images may be submitted, via the ECM/NEworks Record Correction Form, to the System Administrator if the following scenarios exist:

- 1) an image has been saved to an incorrect program applicant's file or
- 2) an image has been saved under an incorrect document type.

F: E-Form Process

A variety of Electronic Forms will be used in accordance with the Enterprise Content Management system. E-Forms allow users to complete forms electronically and provide an electronic signature to confirm receipt and review of the information captured in the form by qualified staff or management personnel. Each E-Form will need to follow its designated workflow process to ensure all required electronic signatures have been obtained as well as the form passing through each stage of the process as outlined. Any misrepresentation of the electronic signature process, by program staff or management, could result in disciplinary action up to and including termination. WIOA, under this policy will establish a workflow for each eform relevant to its specific programs.

G: Electronic Signature

A method of signing an electronic document that identifies and authenticates a particular person as the source of the message and indicates such person's approval of the information contained in the electronic message. Electronic signatures will be generated via signature pads with scanned copies being accepted in limited situations; such as remote or video case management. The electronic signature may be embedded in the content of the record, or it may be stored separately. If an electronic signature technology separates the signature from the rest of the record, it must be associated in some way and captured in the recordkeeping system to preserve the complete content of the record. In accordance with Neb. Rev. Stat. § 86-611 and Title 437 of the Nebraska Administrative Code, the participant must acknowledge and electronically sign a Participant Enrollment Signature Sheet if and when the ResCare program elects to utilize the electronic signature function.

H: Program Monitoring

Use of ECM in accordance with the Nebraska Department of Labor NEworks, Electronic Case Management and Enterprise Content Management Policy provides for all monitoring to be performed remotely and upon request. Information will always be readily available due to the real time entry of all documentation making applicant files current and up to date during the process. State monitors, auditors, and Federal review officials will request access to the ECM system via the Nebraska Department of Labor NEworks/ECM – Access Request Form and submitted to the Office of Employment and Training. If approved, confirmation will be provided to the requestor along with necessary links and initial login credentials. Access will be provided on a permanent or temporary basis depending on business need.

I: Record Retention

The required length of retention for all contents of an E-File shall be determined per the guidelines for WIOA program records retention.

J: Confidentiality

All authorized personnel will be assigned a unique and personal username and temporary password to login to the Enterprise Content Management system. Each personnel member will then create their own unique and personal password in accordance with the password criteria provided upon initial login. For confidentiality purposes, this unique and personal login information shall not be shared with any other person, nor will any other person be allowed to perform any actions using this login other than the person to whom the login is assigned. Failure to comply with the Confidentiality Policy could result in disciplinary action up to and including termination. In addition, some personnel will assign an electronic signature to various documents for approval. Any misrepresentation of this electronic signature could also result in disciplinary action up to and including termination.

Section 3.4: CASE NOTES / DOCUMENTATION

All conversations and events should be documented in NWorks as soon as possible after their occurrence (at the end of a phone conversation, at the end of a day, or immediately after a client leaves the appointment).

- Document facts that directly relate to the goals and objectives of the ISS, including dates of services, attendance, outcomes and evaluation techniques.
- Document all successes and show how they are linked to the service plan ISS.
- A copy of any credential, certificate, grade, and/or progress report obtained should be placed in the electronic case file and annotated as well as any other records and notes forwarded from other professionals. Case notes resulting from a face to face meeting or conversation with the client should include:
 - A description of the context of the conversation/interview (ex. responded to case manager's request for a meeting)
 - The purpose of the conversation (ex. to discuss grades; enroll in classes next semester, etc.)
 - Your observations (appearance, attitude, etc.)
 - Content of the conversation (summary of the issues raised by the client or case manager)
 - Outcome (Was the purpose of the meeting achieved? Were other objectives achieved?)
 - Impression and assessment
 - Plans for next steps or next meeting Case notes resulting from "second-hand" information (instructors, employers, family members, etc.) should include:
 - The source of the information (family member, school, other service agency, etc.)
 - The person's name
 - Date information was received

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Section 3.5: PERFORMANCE STANDARDS

Employment Rate – 2nd Quarter After Exit
Median Earnings – 2nd Quarter After Exit
Credential Attainment
Measurable Skill Gains
Employment Rate – 4th Quarter After Exit
Effectiveness in Serving Employers

A: Education, Employment or Training Rate – 2nd Quarter After Exit: The percentage of participants who are in unsubsidized employment during the second quarter after exit from the program (for title I Youth, the indicator is the percentage of participants in education or training activities, or in unsubsidized employment during the second quarter after exit

B: Education, Employment or Training Rate – 4th Quarter After Exit: The percentage of participants who are in unsubsidized employment during the fourth quarter after exit from the program (for title I Youth, the indicator is the percentage of participants in education or training activities, or in unsubsidized employment during the fourth quarter after exit);

C: Median Earnings –The median earnings of participants who are in unsubsidized employment after exit from the program;

D: Credential Attainment: A credential is a national, state, or locally recognized degree or certificate which may include, but not be limited to: a high school diploma, a GED or recognized equivalent, post-secondary degree or certificate, recognized skill standards certificate, licensure or industry recognized certificate, or other state or local credentials which recognize successful completion of a training service or activity which is designed to equip and prepare clients to enter unsubsidized employment, retain employment, re-enter employment, or advance to better employment.

To be eligible for a credential, the client must successfully complete an academic or occupational training activity of eight (8) hours or more in actual training time. The academic or occupational training activity may be funded by WIOA funds or by funds from programs delivered by the Workforce Development Partners.

The percentage of those participants enrolled in an education or training program (excluding those in on-the-job training (OJT) and customized training) who attain a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program. A participant who has attained a secondary school diploma or its recognized equivalent is included in the percentage of participants who have attained a secondary school diploma or its recognized equivalent only if the participant also is employed or is enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit from the program;

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E: Measurable Skill Gains: The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards such a credential or employment. Depending on the type of education or training program, documented progress is defined as one of the following:

1. Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;
2. Documented attainment of a secondary school diploma or its recognized equivalent;
3. Secondary or postsecondary transcript or report card for a enough credit hours that shows a participant is meeting the State unit's academic standards;
4. Satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of one year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training; or
5. Successful passage of an exam that is required for a occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams.

F: Performance Reports, Hit List and Corrections

The hit lists are those individuals in NEworks who are counted within each performance measure and sent to the regions for review. This gives local area's last chance to double check those that are counted in performance based on the date range for the program year.

The ResCare Quality Assurance Coordinator review the Hit Lists and make sure all clients counting toward the measure are accurate and reflecting what is entered into the NEworks.

Average Earnings and Retention rate information is pulled directly from Unemployment Insurance (UI) information and data. This information the local area cannot impact or double check.

G: Processes for Correcting Data Process for Correcting Participant

When staff realize there has been an error made to the NEworks participant file, he/she needs to document what has happened via case note. TDS staff will notify the Quality Assurance Coordinator and will provide QAC with the verifying documents. The QAC will review the documents and will determine if correction request is valid. Once approved, the TDS will complete the correction in NEworks, and to upload the documentation into ECM.

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The ResCare QA Staff will submit a correction request to the NEworks Administrator through the ECM automated system.

- The final decision for either approval or disapproval is determined by the Executive Director of the Office of Employment & Training. If it is approved, then the NEworks Administrator goes forward with the correction process. If the correction is not approved, then the NEworks Administrator notifies the ResCare Project Director.
- The ResCare Project Director has the opportunity to Appeal the decision. Correcting Data Already Submitted in the Annual Report: Changes to data already submitted in the Annual Report may only be made as allowed by federal reporting and data validation requirements.
- **Appeal Process**

The State always has the right to refuse to change information listed on NEworks. However, there is an appeal process for local areas denied the opportunity of changing information. To appeal the denial, the local area must:

- Submit a written request for a hearing within 30 days of denial notification to the Nebraska Workforce Development Board (NWDB).

The State Workforce Development Act Liaison (or his or her designee) shall conduct a hearing within 30 days of receipt of the request for the hearing.

The hearing shall include the reason(s) as to why it is necessary to delete the information, documentation verifying the need, and a listing of the reason(s) the State gave for the denial.

- Within 10 days of the hearing, a final judgment by the State Workforce Development Act Liaison shall be rendered.
- A copy of said decision shall be forwarded to the Executive Committee of the NWDB.

Section 3.6: Equal Opportunity, Complaints & Grievances

EQUAL OPPORTUNITY AND NON-DISCRIMINATION

The ResCare staff must ensure nondiscrimination, equal opportunity, and nonparticipation in sectarian activities while delivering services under the Workforce Innovation and Opportunity Act (WIOA).

The Act prohibits discrimination based on race, color, national origin, sex, age, disability, religion, political affiliation or belief, participant status, and certain non-citizens.

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Actions that should be taken to ensure nondiscrimination:

- Ensure the AJC are compliant with the American with Disabilities Act (ADA) and equipped with auxiliary aids and accommodations.
- Maintain confidentiality and not disclose disability-related or other medical information about an individual to an employer or partnering organization unless the job seeker has requested the disclosure on their behalf.
- Incorporate information on accommodations and rights of all individuals, including individuals with disabilities, in orientations.
- Refrain from stereotyping individuals with disabilities when evaluating their skills, abilities, interests and needs.

a) DISCLOSING DISABILITIES

Individuals may or may not choose to disclose that they have a disability. The individual does not have to document a disability to register at the AJC or to receive universal services..

Staff should only ask individuals if they have a disability if this question is asked of all customers using the AJC or program and for data collection purposes, or for customer service and satisfaction improvements. Staff may ask individuals whether they are able to perform the essential functions of a job, training, or activity, but should not directly ask if an individual has a disability.

If it appears that an individual with a disability may need an accommodation, staff may ask the individual if he or she can participate in a specific aid, benefit, service, or training with or without an accommodation. If the individual indicates that an accommodation is not needed, no further inquiries about the disability may be made. The individual's response must determine the Job Center's/program's actions.

If the individual discloses a disability, staff must inform the individual that:

- Providing information about one's disability is voluntary;
- The information will be kept confidential as provided by law;
- Refusal to provide the information will not subject the individual to adverse treatment; and
- The information will only be used in accordance with the law.

For WIOA Title I services, individuals with disabilities do not need to verify a disability to be served; however, it would benefit the individual to provide documentation of the disability to receive priority of service and to receive connections to additional resources. If individuals with disabilities request accommodations on any testing for service delivery purposes, documentation of the disability will be required. Additionally, some discretionary grants may require individuals with disabilities to show documentation of their disability for eligibility purposes.

Specific information on disabilities gathered for program eligibility purposes, including medical information gathered, must be kept confidential and maintained in a separate, secure file that is only available to authorized individuals. Medical information given to

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staff verbally by a person with a disability is also regarded as confidential and should not be released without written consent of the person with a disability.

The service provider must provide initial and continuing notice it does not discriminate on any prohibited grounds. The notice must be provided to: registrants, applications, employees, union or professional organizations that hold collective bargaining agreements with the grant recipient or service provider, members of the public including those with impaired vision or hearing, and any subcontractor who receives WIOA funds from the service provider or grant recipient.

The notice must be provided in an appropriate format to individuals with visual impairments and the service provider must be able to provide reasonable accommodations to all other individuals with disabilities so they may enjoy the benefits of the program.

The notice may be provided by posting "Equal Opportunity is The Law" posters, personnel orientation, tag lines on stationary, pamphlets, handbooks, manuals, etc.

Each individual who is registered for the WIOA Program will be requested to acknowledge they are aware of the service provider's position on Equal Opportunity and they may file a complaint if they believe they have been discriminated against.

a) Facility Accessibility

Greater Lincoln AJC must be ready and welcoming for when persons with disabilities seek services, and as such, advance preparatory actions must be taken.

Specific information on ADA accessibility guidelines for buildings and facilities is provided at <http://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/ada-standards>. Facility accessibility pertains to AJCs and any location where AJC staff provide service delivery.

Some areas to particularly note include:

- Signage
- Accessible Counters
- Automatic and Power-Assisted Doors
- Accessible Restrooms
- Accessible Workstations
- Obstacle Free Entrance
- Space in Waiting Room for People Using Wheelchairs
- 32-inch Clear Opening on Door
- 36-inch Clear Path of Travel

The above is only a sampling of considerations.

b) REQUEST FOR REASONABLE ACCOMMODATION

The procedure for requesting reasonable accommodation is posted in the American Job Center/Resource Room and Employee Room. It is also included in the ResCare Operation Manuals.

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Records must be collected and maintained on individuals/registrants, applicants, participants and employees who request an accommodation.

Individuals/registrants, applicants, participants and employees who request accommodation must fill out a ResCare Accommodation Request Form. The Accommodation Request Form must be completed in full and signed by the individual. The ResCare Project Director will determine if the accommodation request is reasonable and able to be provided. If the request is approved the ResCare Project Director signs the form returns it to the ResCare staff person who is working with the individual. The ResCare staff person will indicate if accommodation has been provided and what accommodation was provided. If the ResCare Project Director determines the request is not reasonable or is not able to be provided, they will document this on the form and return it to the ResCare staff person who is working with the individual. The individual has the right to appeal a denial and they will be referred to the Equal Opportunity and Nondiscrimination Policy. After determination of the request has been made, the ResCare staff signs and dates the form it will be filed either with the Project Director or if the individual is an applicant or participant who has a Neworks record it will be filed in their ECM record.

c) DENYING REQUESTS FOR A REASONABLE ACCOMMODATION

The ResCare Project Director may deny a request for a reasonable accommodation based on the following criteria:

- The program operator has determined the customer does not have a disability. The program operator has determined that the absence of the requested reasonable accommodation would not limit the customer's ability to have genuine, meaningful participation in and derive an equal benefit from the AJC's aids, benefits, services and training, OR
- The program operator has determined that there is no accommodation that would be effective in improving the customer's ability to have genuine, meaningful participation in and derive an equal benefit from our aids, benefits, services and training.

The denial of an accommodation requires review and decision-making at the administrative level. If a staff person believes that it may be appropriate to seek documentation of a disability underlying a request for accommodation, that staff person should present the recommendation to the designated Equal Opportunity (EO) Officer or administrative level designee. The City of Lincoln EO Officer will consider the recommendation, and if appropriate, conduct the inquiry.

Requests that cannot be provided or which are believed to pose an undue burden must be reviewed by the EO Officer. In situations where the program operator believes that the proposed accommodation would cause undue hardship, the program operator has the burden of proving that the accommodation would result in such undue hardship. The EO officer is the only person with authority to determine undue hardship on behalf of the program operators.

Written Notification of Accommodation Denial

A written statement of the reasons for reaching these conclusions will accompany the decision of an accommodation denial. The program operator will provide a copy of the statement of reasons to the individual who requested the accommodation, modification,

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auxiliary aid or service, and in alternate format or with other auxiliary aids for effective communication, as appropriate.

The written notice of denial must:

- Explain the reasons for the denial;
- Inform the customer of his or her rights to file a complaint;
- Provide instructions for initiating such complaints.

A copy of this notice of denial must be provided to the State Equal Opportunity Officer.

Additionally, if the denial is based on a determination of undue burden, the written notice of denial must also document that all the required factors that must be considered in determining undue burden were considered and be reviewed by an attorney versed in ADA.

Continued Responsibility of Program Operator

After a determination of undue hardship, the program operator must still take any other action which would not result in such burden, but which would improve, to the maximum extent possible, the customer's ability to participate in and benefit from the AJCs aids, benefits, services, and training. If an accommodation would result in undue hardship, the program operator will give the individual with a disability the option of providing the accommodation. The program operator must also offer to cover the costs of the reasonable accommodation up to the limit of undue burden and to allow the customer to cover any costs above that threshold.

Section 3.7: NOTICE OF RIGHT TO FILE AN EQUAL OPPORTUNITY GRIEVANCE/COMPLAINT

Individuals who believe that they have been discriminated against in failure to provide accommodations, may file a complaint. Information on how to file a complaint will be publicly posted and available in alternative formats.

A: COMPLAINTS AND GRIEVANCES

There are two different processes for submission of complaints for subsequent resolution. One process is to ensure the complainants are able to submit a complaint on violations of the Equal Opportunity laws and complaints on discrimination. The other process provides individuals an opportunity to submit a non-criminal type complaint regarding violations of the Workforce Innovation & Opportunity Act or other federal and state laws or rules, including grant agreements, grant awards, collective bargaining agreements, failure to receive services, etc.

Equal Opportunity Complaints: Any person who believes that she or he or any specific class of individuals has been, or is being subjected to discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship may file a complaint under this process. The complainant may file a complaint with either:

Nebraska Equal Opportunity Commission. Director of Civil Rights Center

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301 Centennial Mall South, 5th Floor
P.O. Box 94934
Lincoln, NE 68509
call 402-471-2024 or 1-800-642-6112.

U.S. Department of Labor
200 Constitution Avenue
Room S5514
Washington, D.C. 20210

The complaint must be submitted in writing following the instructions provided. Additionally, the submittal and resolution of the complaint must adhere to the timelines specified in the policy.

As part of the WIOA Grievance Review it must be verified that the local entity is aware of the responsibility to report certain complaints to U.S.DOL. Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the Department's Incident Reporting System to:

DOL Office of Inspector General
Office of Investigations
Room S5514
200 Constitution Avenue NW.
Washington, DC 20210

U.S. Department of Labor Complaint forms can be found at:

[http://www.dol.gov/oasam/regs/compliance/CIF\(English\).pdf](http://www.dol.gov/oasam/regs/compliance/CIF(English).pdf)

[http://www.dol.gov/oasam/regs/compliance/CIF\(Spanish\).pdf](http://www.dol.gov/oasam/regs/compliance/CIF(Spanish).pdf)

Information and complaints may also be reported to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. The Hotline number is 1-800-347-3756. The Web site is <http://www.oig.dol.gov/contact.htm>.

Complaints and grievances of a non-discriminatory or non-criminal nature:

Under this process, WIOA staff, program applicants, participants, recipient of grant awards, contracts, labor unions, service providers, etc., may file complaints alleging violations of the Act, or other federal and state rules. This process may also be used to cover most non-criminal issues not covered by Equal Opportunity complaint process. Again, complaints under this process must be in writing and must adhere to the timelines specified by the Greater Lincoln policy. Complaints for the process must be submitted to:

The following procedure describes the process by which participants and other interested parties may file a grievance of a non-discriminatory nature or non-criminal complaint alleging a violation of the requirements under Title I of the Workforce Innovation and Opportunity Act, a violation of WIOA regulations or agreements under the Act, violations of the labor standards provisions at Section 181 (b) and violations of relocation provisions in Section 181 (d). These procedures have been established in conformance with Sections 181(c) of the Workforce Innovation and Opportunity Act. To get a copy of the Act, refer to the U.S. Department of Labor [website](#). The grievance procedure applicable to Job Corps is set forth at 20 CFR 686.960 and 686.95.

Protection

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These procedures are designed to ensure that the identity of a person who furnishes information or assists in the investigation of a complaint will be kept confidential to the extent possible consistent with a fair determination on the complaint. A complainant's rights include freedom from employment termination, discrimination, retaliation, or denial of WIOA benefits to which entitled because the person filed a complaint. The complainant's identity will be kept confidential to every extent possible unless and until identity is necessary to resolve the issue.

Reprisal

Retaliation is prohibited against a person who files a complaint or testifies. An individual may file a complaint without fear of jeopardizing his/her WIOA participation, employment, advancement opportunities, salary increases, or any other rights and benefits.

Who May File

A complaint may be filed by any person or organization affected by the local Workforce Development System, including but not limited to program participants, contractors, WIOA staff, local area staff, one stop partners, service providers, One Stop Partner staff, applicants for program participation, labor unions, and community based organizations.

Filing Deadline

Non-criminal complaints and grievances of a nondiscriminatory nature should be filed as soon as possible and shall be filed within 180 days of the alleged occurrence.

How to File a Complaint

Complaints shall be submitted in writing and contain the following:

- a) Full name, legal address, phone number of the complainant, and email address if available.
- b) Full name, address of the person or entity against whom the complaint is made.
- c) A clear statement of the facts and date(s) of the alleged violation.
- d) If known, the specific areas of Title I WIOA, its regulations, or other terms or conditions believed to have been violated.
- e) A statement as to whether or not the complaint has been filed anywhere else.
- f) If the complainant is represented by an attorney or other representative of the complainant's choice, the name, address and phone number of the representative.
- g) Must state the relief or remedial action sought.
- h) Copies of documents supporting or referred to in the complaint must be attached to the complaint.
- i) The complaint must be signed and dated by the complainant.
- j) The written complaint is to be given to the One-Stop Operator of the American Job Center or mailed to the: Ombudsman, Office of the Mayor, 555 S. 10, Ste. 301th Street, Lincoln, NE 68508.
- k) If the complainant is unable to provide a written statement, an alternative method of obtaining written documentation from the complainant shall be pursued, which may include assistance by agency staff or the local service provider.

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Where to get a Complaint Procedure/Form. Procedures and forms are available upon request at the American Job Center located at 1111 O Street, Ste. 205 Lincoln, NE 68508. Any entity which is awarded Title I funds will provide and publish information on the complaint procedure and have forms available to participants upon request. WIOA TDS are required to explain the process to clients during the initial assessment process and make available a copy of this policy.

Resolving a Complaint

- Complainants are encouraged to resolve complaints through informal discussion. If there is a mutually satisfactory resolution from the informal discussion, the One Stop Operator should include documentation in the file and in the complaint, log stating the issues and the resolution. The matter would then be considered closed.
- If the complaint is not resolved through informal discussion, the complainant can choose to formally file a written complaint with the One Stop Operator.
- The One Stop Operator will formally acknowledge its receipt of a complaint within 5 days of receipt by a written acknowledgment. The acknowledgment will be sent to the complainant's last known address on record.
- Within 14 days of receiving a complaint, the One Stop Operator will issue and send its initial determination to the complainant's last known address of record. The initial determination shall be construed as an informal resolution and will include:
 - a) Statement of complainant's issues.
 - b) The One Stop Operator's determination.
 - c) Reasons for the determination.
 - d) An offer to accept the determination in writing.
- If the determination is not accepted, a hearing may be requested by the complainant. The written request for a hearing must be made in writing by the complainant to the One Stop Operator and received by the One Stop Operator within 5 days of the complainant's receipt of the initial determination decision.
- Upon receipt of request for a hearing, the One Stop Operator will arrange it to be heard by a Compliance Committee of the Greater Lincoln Workforce Development Board designated by the Chairperson (hereinafter referred to as Committee) or by a hearing officer as designated by the Committee. The Committee shall have a minimum of 3 members for the hearing.
- The hearing will be arranged within 5 days from the date of receiving the request for a hearing.
- The complainant will be sent a written notice within 3 days after arranging a date that a hearing has been arranged and provide the location, date, and time of the hearing.
- The notice will include:
 - a) Identity of Committee or hearing officer as designated by the committee.
 - b) Date, time and place that the hearing will be held.
 - c) Opportunity for the complainant to withdraw the request for a hearing. The request must be received in writing before the date of the hearing and must include a signed statement that the resolution is satisfactory.

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- d) The opportunity to bring witnesses or documentary evidence.
- e) The opportunity to be represented by an attorney or other representative chosen by the complainant.
- f) The opportunity to have relevant records and/or other documents surrendered for the hearing.
- g) The opportunity to question any witnesses.
- The hearing will be conducted within 25 days of receiving the request for a hearing. The hearing will be held informally; meaning that formal and/or technical rules of evidence do not apply. Opportunity shall be afforded all parties to present evidence or testimony bearing on the nature of the complaint.
- The Committee's decision will be given in writing to the complainant and One Stop Operator within 60 days of the date the formal complaint was received by the One Stop Operator. The decision will include:
 1. Statement of issues.
 2. Committee's decision.
 3. Reason(s) for the decision.
 4. Recommended action(s).
- The One Stop Operator will review and respond in writing to the Committee's decision within 5 days after receiving the decision and provide a copy to complainant. The One Stop Operator's written response to the recommended action will include:
 1. Summary of facts and findings.
 2. One Stop Operator response.
 3. Reason(s) for the response.
 4. Action(s) to be taken.
- The parties have a right to appeal for a review by the Nebraska Department of Labor Commissioner if the Committee's decision is not satisfactory or a decision has not been provided within 60 days of receipt of the formal complaint. The appeal for review must be filed within 10 days of receipt of the adverse determination or, if no determination is made within 60 days, then at any time prior to the receipt of a determination from the local level. State staff will review and/or investigate, provide opportunity for a hearing, and the hearing officer will issue a decision within 60 days of the appeal to the State. A complainant may withdraw his or her appeal at any time prior to the hearing. The decision is final unless appealed to the Federal Secretary of Labor. The State Department of Labor has issued a process for this appeal and may be contacted at Nebraska Department of Labor, Office of Employment and Training, 550 South 16th Street, Nebraska, Nebraska 68509.
- The American Job Center will make reasonable efforts as provided for in 29 CFR 37.35 to assure that information on the complaint procedure and complaint forms will be understood by individuals, including youth, and limited English-speaking participants, in order to meet their language needs and be effectively informed.
- If an individual alleges a labor standard violation, such violation may be submitted to a binding arbitration procedure if such individual's collective bargaining agreement covering the parties to the grievance provides for an arbitration procedure.

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- Complaint records must be retained by the One Stop Operator for a minimum of three years following resolution of the complaint. The One Stop Operator will maintain a Complaint Log that records all complaints, oral and written, and will provide this log upon request to the Greater Lincoln Workforce Development Board and to the State Program Monitor.
- Statewide Workforce Development System Grievance or Complaint Review Process: Grievances and complaints from participants and other interested parties affected by Statewide Workforce Investment programs may be submitted to the State at:

Nebraska Department of Labor
Office of Employment and Training
550 South 16th Street
Nebraska, Nebraska 68509

If it is determined that the complaint is directly related to the local WIOA program, then the complaint/grievance will be remanded to the local area grievance process. Local level procedures shall be exhausted before the complaint may be addressed at the State level. The local area shall either resolve the complaint informally or have a hearing and issue a final local decision within sixty (60) days.

Elements to Include in the Complaint Requesting Appeal of Local Area Decision or State Review: Complaints must be legible, signed by the complainant or the complainant's authorized representative, and dated. The date of receipt of the written complaint by the appropriate authority [local area, State, or direct recipient] triggers the clock for counting days of action taken.

- Complaints must pertain to a single subject, situation or set of facts.
- The name, address and phone number must be clearly indicated. If the complainant is represented by an attorney or other representative of the complainant's choice, the name, address and phone number of the representative must also appear in the complaint.
- Complaints must state the name of the party or parties complained against and, if known to the complainant, the address and phone number of the party or parties complained against.
- Complaints must contain a clear and concise statement of the facts including pertinent dates constituting the alleged violations.
- Complaints must cite the provisions of WIOA regulations, grants or other agreements under WIOA believed to have been violated, if known.
- Complaints must state the relief or remedial action(s) sought.
- Copies of documents supporting or referred to in the complaint must be attached to the complaint.

Investigation and Initial Determination

The Office of Employment and Training will review and/or investigate the alleged incident and issue a written initial determination within ten (10) days.

The Initial Determination will include:

1. Statement of Issues
2. Initial Determination

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3. Reason for Determination
4. Opportunity for Complainant to request a hearing if not satisfied with the determination.

Hearing

If the complainant is not satisfied with the Initial Determination, they may request a hearing before the Commissioner of Labor or an appointed representative. The request for hearing will be filed within seven (7) days of receipt of the Initial Determination. The hearing will be conducted in an informal manner and formal or technical rules of evidence will not apply.

If a hearing is requested, the Office of Employment and Training will:

1. Arrange for a hearing in the complainant's locale if possible.
2. Ensure the hearing is held within thirty (30) days of filing.
3. Prepare a written notice of hearing and forward to all affected/interested parties.

The written notice of hearing will include:

1. Identity of hearing officer, date, time, and place of hearing, how hearing will be conducted and issues to be decided.
2. The opportunity to withdraw the request before the hearing. This request must be received in writing before the hearing date.
3. The opportunity to bring witnesses and/or documentary evidence.
4. The opportunity to be represented by an attorney or representative selected by the complainant.
5. The opportunity to have records or documents relevant to the issues to be decided at the hearing produced by their custodian.
6. The opportunity to question any witness or parties.
7. The opportunity to amend the complaint prior to the hearing.

The decision of the hearing officer will be rendered, in writing, within ten (10) days from the date of hearing. The decision will include:

- A statement of issues presented at the hearing.
- Hearing Officer's decision.
- Reason for decision.
- Recommended remedies to be applied.

Appeal to the Secretary of Labor

The Secretary of Labor shall investigate an allegation of a violation of the requirements of Title I if:

- A decision relating to a Statewide WIOA program grievance or complaint has not been reached within sixty (60) days of receipt of the grievance or complaint or within sixty (60) days of receipt of the request for appeal of a local level grievance and either party appeals to the Secretary; or
- A decision relating to such violation has been reached and the party to which such decision is adverse appeals such decision to the Secretary.

All appeals to the Secretary of Labor must be submitted by certified mail, return receipt requested, to the:

Secretary of Labor

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U.S. Department of Labor
Washington, D.C. 20210
Attention: ASET

A copy of the appeal must be simultaneously provided to the opposing party and to:

Region V Administrator

U.S. Department of Labor
Employment and Training Administration
230 S. Dearborn Street
Chicago, Illinois 60604

Appeals made under (2) above must be filed within sixty (60) days of the receipt of the decision being appealed. Appeals made under (1) above must be filed within 120 days of the filing of the grievance with the State, or the filing of the appeal of a local grievance with the State. All appeals should contain the following information:

- The full name, telephone number (if any) and address of the person making the complaint.
- The full name and address of the respondent against whom the complaint is made.
- A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation.

The provisions of the Act, regulations or grant or other agreements under the Act believed to have been violated. A statement disclosing whether proceedings involving the subject of the request have been commenced or concluded before any Federal, State or local authority and if so, the date of such commencement or conclusion, the name and address of the authority and the style of the case.

The Secretary is required to make a final determination relating to an appeal no later than 120 days after receiving such appeal.

Remedies

Remedies that may be imposed through this grievance/complaint process for a violation of any requirement of Title I shall be limited to:

Suspension or termination of payments under this title;

Prohibition of placement of a participant with an employer that has violated any requirement under this title;

Where applicable, reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and

Where appropriate, any other relief available under Title I of WIOA.

Other Remedies

Nothing prohibits a grievant or complainant from pursuing a remedy authorized under another Federal, State, or local law for a violation of Title I of WIOA.

Violations of the Labor Standards Provisions at Section 181(b)

Complaints Related to Conditions of Employment: Employees of the Local Areas and Sub-Contractors shall submit and resolve complaints through local employer procedures.

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Each employer of WIOA participants who is a recipient of WIOA funds shall continue to operate or establish and maintain a grievance procedure relating to the terms and conditions of employment.

Employers, including private-for-profit employers of WIOA participants, may operate their own grievance system or may utilize the grievance system established by the State or the Local Area. Employers shall inform WIOA participants of the grievance procedure they are to follow when the participant begins employment.

A complainant may appeal/submit the complaint if any of the following conditions exist:

The employing agency does not operate a complaint system.

The employing agency operates a complaint system but the procedures are not followed.

The complaint alleges a violation of Federal or State rules and regulations.

Appeal to the Secretary: When the grievance alleges violation of Section 181(b) and the grievance procedure rights have been exhausted or the 60-day time period has elapsed without a decision, either party to such procedure may submit the grievance to the Secretary of Labor. The Secretary shall investigate the allegations and make a determination as to whether a violation of Section 181(b) has occurred.

If a modification or reversal of the decision issued pursuant to the recipient's grievance procedure is warranted, or the 60-day time period has elapsed without a decision, the Secretary may modify or reverse the decision, or issue a decision if no decision has been issued, after an opportunity for a hearing.

If the Secretary determines the decision issued pursuant to the grievance procedure is appropriate, the determination shall become the final decision of the Secretary.

Binding Arbitration: As an alternative to the above, a person alleging a violation of Section 181(b) may submit the grievance to a binding grievance procedure if a collective bargaining agreement covering the parties to the grievance so provides. However, binding arbitration decisions are not reviewable by the Secretary, and the remedies available to the grievant are limited to those set forth in the Act.

Violations of the Relocation Provisions in Section 181(d) of the Act

When the grievance alleges violation of the Relocation Provisions in Section 181(d) of the Act, the grievance may be submitted to the Secretary of Labor for investigation to determine whether the State or local area is in compliance with the Act.

If the Secretary determines that a violation of the relocation prohibitions has occurred, the Secretary shall require the State that has violated such provisions to repay to the United States an amount equal to the amount expended in violation.

Recordkeeping Requirements

Complaint records must be retained for a minimum of three years following resolution of the complaint. These records should be made available for review, as needed for compliance verification purposes.

Disclaimer

This policy is based on ResCare's reading of the applicable statutes, regulations, rules and guidance released by the U.S. Government and the State of Nebraska. This policy is subject to change as revised or additional statutes, regulations, rules and guidance are issued.

Barriers to Employment

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Individuals with barriers to employment include individuals in one or more of the following categories, as prescribed by the WIOA Section 3(24):

- Displaced homemakers.
- Low-income individuals.
- Indians, Alaska natives, and native Hawaiians.
- Individuals with disabilities.
- Older individuals (ages 55 or older).
- Ex-offenders.
- Homeless individuals.
- Youth who are in or have aged out of the foster care system.
- Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.
- Eligible migrant and seasonal farm workers.
- Individuals within two years of exhausting lifetime eligibility under Temporary Assistance for Needy Families (TANF) (Part A of Title IV of the Social Security Act).
- Single parents (including single pregnant women).
- Long-term unemployed individuals.
- Other groups as determined by the local area.

Personally Identifiable Information (PII):

PII is defined as information: (i) that directly identifies an individual (e.g., name, address, social security number or other identifying number or code, telephone number, email address, etc.) or (ii) by which an agency intends to identify specific individuals in conjunction with other data elements, i.e., indirect identification. (These data elements may include a combination of gender, race, birth date, geographic indicator, and other descriptors). Additionally, information permitting the physical or online contacting of a specific individual is the same as personally identifiable information.

The Greater Lincoln local area must have an internal control structure and written policies in place that provide safeguards to protect personally identifiable information, records, contracts, grant funds, equipment, sensitive information, tangible items, and other information that is readily or easily exchanged in the open market or that is considered to be sensitive, consistent with applicable Federal, State, and local privacy and confidentiality laws.

The Greater Lincoln Workforce Development Board understands the importance of protecting and securing personally identifiable and sensitive information. Grantee and administrative entity information and practices adhere to the City of Lincoln requirements. The One Stop Operator and the WIOA Title IB Service Provider are required to have written operational procedures in place in sufficient detail to instruct staff on the importance of protecting personally identifiable information. Any breach of data must

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be reported in writing to the administrative entity immediately upon occurrence, not to exceed 24 hours after the breach is identified.

Operational procedures in use by the One Stop Operator and Title IB Service Provider must include the elements below: Participant Data Participant information shall be stored in a secure location, any electronic transmittal of personal information shall have identifiable information or sensitive information redacted or transmitted in a password-protected document or encrypted. Staff will receive training on procedures for handling sensitive and identifiable personal information and will be required to sign a confidentiality agreement as a condition of employment, to be kept on file. This process is shared with participants through a Consent/Authorization Form.

Each participant is required to verify they have been informed about this process by signing the form. One Stop Operator/Title IB Provider Employee Data.

The One Stop Operator/IB Provider will take reasonable technical and organizational precautions to prevent the loss, misuse or alteration of personal information and intellectual property. The Operator/Provider will store all personal information provided in a secure location.

Coordination of Services

To maximize the use of the Workforce Innovation and Opportunity Act (WIOA) funds, participants must be unable to obtain grant assistance from other sources to pay the costs for training or supportive services or require WIOA assistance in addition to other sources of grant assistance. Potential sources for other funding may include state-funded sources, Pell Grants, or Trade Adjustment Assistance (TAA). In addition, supportive services funds are provided only when necessary to enable the participant to take part in career services, training services, or youth employment and training activities.

The WIOA Service Provider is responsible for:

- Coordinating the provision of services including career, training, and supportive services with One-Stop Partners (and other entities when appropriate);
- Identifying and tracking funding streams that pay the costs of services provided to co-enroll participants; and
- Ensuring no duplication of services across programs Occupational Skills Training Adult, Dislocated Worker, and Youth programs must ensure that occupational skills training provided by eligible training providers is WIOA-funded only when assistance from other sources is not available through other agencies or programs.

When WIOA funds supplement other sources of funding for training, the WIOA Service Provider must:

- along with training providers, coordinate funds made available for training;
- make funding arrangements with one-stop partners and other entities regarding participants who require assistance beyond that available under grant assistance from other sources; and
- consider the availability of other sources of grants to pay for training costs such as TANF, training funds available from the state, Pell Grants, and other funding sources. Pell Grants In the event a

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program participant has been awarded a Pell Grant, the Pell Grant must be applied against the cost of occupational skills training and any education fees the training provider charges to attend training before WIOA funds are utilized.

If the participant has been awarded Pell Grant assistance for education-related expenses, the assistance must not be used to offset or to reduce WIOA funding for the cost of occupational skills training and education fees.

If a participant's application for Pell Grant assistance is pending, a participant may enroll in occupational skills training and WIOA funds may be used to pay the costs of training, including any education fees, while the application is processed, subject to the following three requirements.

1. The applicable program must arrange with the training provider and participant for allocation of the Pell Grant should it be subsequently awarded.
2. If the Pell Grant is subsequently awarded and: a. does not cover the cost of occupational skills training and required education fees to be paid during the Pell Grant award period, the training provider must reimburse the applicable program for WIOA funds paid to the training provider using the full amount disbursed for the Pell Grant award period; or b. exceeds the cost of the occupational skills training and required education fees to be paid during the Pell Grant award period, the training provider must reimburse the applicable program only for the amount paid to the training provider by the program, with the balance belonging solely to the participant.
3. Pell Grant assistance disbursed on the participant's behalf for education-related expenses belongs solely to the participant and must not be used to offset or reduce WIOA funding for the cost of occupational skills training and education fees.

Customer Satisfaction Surveys

Under the WIOA, the survey of employers and participants for customer satisfaction is currently not required. Additional information will be provided once the USDOL finalizes performance reporting requirements for the Effectiveness in Serving Employers primary indicator of performance.

ResCare Rays Survey is loaded onto every computer in the Resource Room. AJC visitors can complete a survey anytime anonymously. The link to the survey is also built into each staff email signature.

Paper surveys are made available in the resource room during the last two weeks of each quarter.

References

TEGL 17-05 – Common Measures Policy for the Employment and Training Administration's Performance Accountability System

